

THE BRITISH CONSTITUTION AND GOVERNMENT

FREDERICK WICKS

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THE BRITISH CONSTITUTION
AND
GOVERNMENT.

SIXTH EDITION.

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*Constitution and
Constitutional History*

THE
BRITISH CONSTITUTION
AND
GOVERNMENT:

A DESCRIPTION
OF THE WAY IN WHICH THE LAWS OF ENGLAND
ARE MADE AND ADMINISTERED, TOGETHER WITH AN ACCOUNT
OF THE FUNCTIONS OF THE CHIEF OFFICERS IN
EVERY DEPARTMENT OF THE STATE.

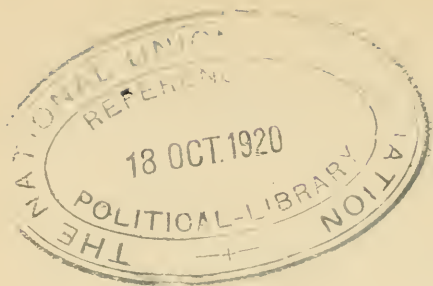
BY FREDERICK WICKS.

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THE
BRITISH CONSTITUTION
AND
GOVERNMENT.

CHAPTER I.—INTRODUCTORY.

WHEN we speak of a country's Constitution, we mean the whole body of laws by which its people are governed and the machinery by which its laws are made and administered. Barbarous communities have no constitution or form of Government. Among the uncivilised, each member of the community protects himself and his goods by the strength of his arms, or a Chief of the tribe decides all disputes without anything to guide him but his own will. As civilisation spreads, or the community becomes larger, certain customs grow up among the people for the settlement of differences and the punishment of wrongdoers. As a community becomes still more civilised, or grows still larger, these customs become more numerous and more clearly understood ; and, in time, formal laws are made for the guidance of the people in their dealings with one another and for the management of public affairs. If these laws are made by a Chief or King, without the concurrence of any Council or Parliament, and are administered in the same way, they are called decrees ; the King or Chief is said to have unlimited power over his subjects ; and the Government of the country is said to be a despotism or an unlimited monarchy. We read in histories, even

THE ORIGIN
OF
GOVERN-
MENT.

UNLIMITED
MONARCHY.

of modern times, of countries, of very great size and inhabited by several millions of people, being governed by a Sovereign with unlimited power ; and history shows that during some period almost all countries have been governed in this manner.

As communities acquire knowledge, and a capacity to take part in the government of the country, the unlimited monarchy gradually gives place to a less despotic rule, and resolves itself sometimes into a republic and sometimes into a limited monarchy—so called because the power of the Sovereign is limited to some extent by the will of the people. It is in cases where the ruler of a country ceases to have unlimited power, and where the people themselves have a distinct part to play in the government of their country that the State is said to have a Constitutional Government.

THE
GROWTH
OF THE
BRITISH
CONSTITU-
TION.

Instances have occurred in modern times of communities settling a constitution for the government of their country in every detail, and appointing a head of the State under its provisions. The British Constitution differs from these cases in that it has never been defined in precise terms. It has grown out of the customs of the people of the United Kingdom, and its details have been settled and varied from time to time by the amendment of its laws, by new enactments, and by the decisions of the Courts. It has, in fact, grown as a well-forested tree grows during many years. It is symmetrical without being formal ; and while its trunk is firm and unyielding, its branches sway before the slightest breath of public opinion. A social storm may assail it ; and if some of its members prove unequal to the assault, fresh growths take their places and add to its strength. But although it is not the work of any single man or any set of men, and although it has never been set out in detail to this day, yet its principles are well understood by those in authority, and none dare depart from them. It is universally regarded as the most wonderful organisation of its kind, and has served as a model for the construction of the more artificial constitutions of other countries.

It is the purpose of these pages to make the principle of the British Constitution clear by describing the

manner in which they regulate the operations of all the great Officers of State, and by setting out the manner in which the laws are enacted, revised and administered.

CHAPTER II.—THE CROWN.

OUR laws are made by an agreement on the part of the King, the Lords, and the Commons ; that is to say, laws are framed in the House of Lords, and the House of Commons, and are afterwards consented to by the reigning Sovereign. The King, the Lords and the Commons are sometimes erroneously described as the Three Estates of the Realm. Properly interpreted, this phrase is descriptive of the three classes of the King's subjects, the Clergy, the Nobles, and the Commons ; but the Clergy do not now occupy a position in the State as distinguished from the Nobles and the Commons, so that the phrase, in its original sense, has very little significance when applied to the condition of the country in the present day.

THE THREE
ESTATES.

As the House of Lords and the House of Commons are called into being by the act of the Sovereign, we must first of all understand the reigning monarch's position in relation to the State. Succession to the Throne of the United Kingdom of Great Britain and Ireland is hereditary ; and the Sovereign may be either a man or a woman. When it has happened with us, as on more than one occasion, that the King or Queen dies, leaving no direct heir, the next successor to the Crown is nominated by Parliament, the person to whom the Crown has been offered has always been connected by marriage or descent with a former King of England.

THE
SOVEREIGN.

In former times, the King of England possessed, besides private property, the right to receive for his own use duties of excise and what are styled in the Hereditary Revenues Act, Casual Revenues, including, among other things, droits, or rights of Admiralty, droits of the Crown, West India duties, and surplus revenues of British Possessions abroad ; but latterly it has been the

THE CIVIL
LIST.

custom, at the commencement of every reign, to make an agreement with the new Sovereign, that all these revenues shall be collected by departments of the State, and paid into the National Exchequer or Consolidated Fund ; and that the Sovereign should receive out of the Consolidated Fund a fixed sum yearly to meet the expenses of the Royal Household as distinguished from the expenses of public Government. This sum is called the Civil List, and the Act of Parliament regulating it is entitled the Act of Settlement. At the commencement of the reign of King Edward, the Civil List settled upon His Majesty amounted to £470,000 per year. Of this, £110,000 was to go to their Majesties' Privy, or private Purse ; £125,800 for the salaries of His Majesty's Household and Retired Allowances ; £193,000 for the expenses of His Majesty's Household ; £13,200 for the Royal Bounty, Alms, and Special Services ; £20,000 for Works ; and £8,000 for other purposes not specified by the Act, except that His Majesty was empowered by it to grant pensions, amounting altogether to £1,200 per annum, to persons who had distinguished themselves in some way to the advantage of the country without enriching themselves. These pensions usually amount to about £100 each. It should be stated that the Crown rents given up to the State by Queen Victoria under this arrangement amounted to £430,000 in 1889, and the smaller branches of the hereditary revenues amounted to £60,000 a year, showing a balance in favour of the nation. The Act of Parliament regulating these matters and all others connected with annuities to members of the Royal Family is entitled, " The Civil List Act, 1901."

THE
SOVEREIGN'S
PRIVATE
RIGHTS.

The Sovereign, however, does not sacrifice any of his rights of citizenship by this arrangement. He can hold private property by inheritance or purchase in the same manner and to the same extent as any subject, and as a matter of fact, does hold property as a private person. This is as it should be, for while it is only right that the Sovereign should not appropriate taxes and duties which are levied for the benefit of the country at large neither should he forfeit any of the rights which his meanest subjects possess.

The Sovereign is regarded in this country rather as the head of the State than as a personal ruler, and is generally spoken of by statesmen and politicians as "The Crown." It will be seen that everything connected with the government of the country is done in the name of the Crown. All officers of State, all judges, and all magistrates act in the name of the Crown; every taxgatherer, every postman, and every telegraph boy is a servant of the Crown. Every criminal or *quasi* criminal act done by one person against another is regarded as an offence against the Crown; all fines are paid to the Crown, and all guilty persons are punished in the name of the Crown. Beside this the Crown maintains an army and navy to defend the country from invasion, to protect the goods of our merchants when upon the sea in time of war, and to protect our fellow-subjects in distant Colonies. The Crown has all the power of declaring war against any foreign power, without asking the permission of Parliament, but it will be shown presently that although this power is theoretically possessed by the Sovereign alone, it is practically in the hands of the people.

The process of accession to the Throne is simple. Upon the demise of the Sovereign the Privy Councillors are assembled, and they, together with other gentlemen and persons of quality such as the Lord Mayor of London, meet at a place where the heir to the Throne is near at hand, and recognise him as the Sovereign Lord of the Realm, upon which he makes one or other of the declarations required of him by the statutes regulating the accession; and those of the assembly who, although having signed the declaration, are not members of the Privy Council, retire and the new King holds his first Council, from which proceed all the necessary Royal Proclamations regulating the new order of things consequent upon the demise of a Sovereign.

The several oaths and declarations taken by the new Sovereign are prescribed by certain statutes originating with the Petition of Rights of the Reign of Charles I., supplemented by the enactment of the Bill of Rights and the Act of Settlement of William and Mary which prescribes that any person professing the Popish religion

ACCESSION
TO THE
THRONE.

THE
PETITION
AND
BILL OF
RIGHTS.

or who shall marry a Papist is incapable of inheriting the Crown and the people are absolved from allegiance to any such person. This exclusion is confirmed by the second article of the Act of Union with Scotland, which prescribes that the King shall bind himself to maintain the Protestant religion and the Presbyterian Church Government of Scotland ; and in addition to taking the Coronation oath, every King or Queen is required to make a declaration against the doctrines of the Roman Catholic Church as prescribed by Act of Parliament either on the Throne in the House of Lords in the presence of both Houses on their first meeting, or at the Coronation, whichever shall first happen.

The ceremony of Coronation is usually delayed ; but the new occupant of the Throne proceeds to the administration of affairs of State immediately upon his accession.

THE KING CAN DO NO WRONG. It is a common saying that " The King can do no wrong." This does not mean that the King can do no wrong as a man, but that the King, as head of the State, can do no wrong. Some explain this by saying that, inasmuch as the King acts on the advice of his Councillors, it is they who do the wrong, if any is done, and not the King ; but this is not correct, for the saying was common before the Ministers of the Sovereign were responsible to Parliament. The true meaning is, that the King is not responsible to anyone for any act he may do as a King, because his official acts are the acts of the State. It is evident that the State can do no wrong, because the State is superior to all persons under its dominion, and no tribunal can be found to try it, unless it be an international tribunal formed of the representatives of Foreign States for a wrong done by one country against another. Some go further, and say that the King can do no wrong, because there exists no properly constituted body of men by whom his acts can be called in question ; and that if such a body did exist the men composing it would be chief of the State and not the King. But, whatever the origin of the maxim, and whatever may be its true meaning as regards the Kings of England in the past,

it is certain that it can be applied to the Sovereign of England in the present day in at least one sense. It has come to pass that the official acts of the Sovereign of the United Kingdom are as nearly as possible the exact expression of the will of the people ; and if a King does only what his people wish him to do, he certainly cannot be said to wrong them, however unwise those acts may be. But we shall see this more clearly when we come to the chapter on " The Cabinet and the Government," and " The Responsibility of Ministers."

CHAPTER III.—THE PRIVY COUNCIL.

IN former times, the Sovereign took a far more prominent part in the administration of the law, or in what is commonly called " The Executive," than is the case now, and, for his assistance, he gathered about him a number of councillors, who acted as private advisers, and, in time, came to be known as the Privy Council. A Privy Councillor is nominated by the Sovereign, by whom, also, the appointment may be cancelled, and he is styled the Right Honourable. It is a common error to suppose that all the members of the Government are styled Right Honourable, or that all those who are styled Right Hon., such as the Lord Mayor, are Privy Councillors, or that being a member of the Ministry necessarily carries with it this title of distinction. The Lord Chancellor, however, is so by right of his office. Any natural born subject of the Crown may become a Privy Councillor, and the appointment may last during the life of the Sovereign making the appointment. Sons of the King are born Privy Councillors, and when of age they are presented, but not sworn.

THE
DESIGNA-
TION
" RIGHT
HONOUR-
ABLE."

The oath taken by a Privy Councillor consists of seven articles, as follows : To advise the Sovereign according to the best of his cunning and discretion ; to advise for his Sovereign's honour and good of the public, without partiality through affection, love, need, doubt, or dread ; to keep the Sovereign's counsel secret ; to avoid corruption ; to help and strengthen the execution of

THE OATH.

what shall be then resolved ; to withstand all persons who would attempt the contrary ; and, in general, to observe, keep, and do all that a good and true Councillor ought to do to his Sovereign Lord.

THE
CABINET.

As the number of Privy Councillors, however, was unlimited, and their duties were general, they proved to be not very useful as a Council for the transaction of public business. Consequently the custom arose for the Sovereign to choose from among his Privy Councillors some of the more able to form his Cabinet, and the Cabinet now, to a great extent, serves the purpose for which the Privy Council was designed. It is easy to be conceived too, that out of so large a body as the Privy Council, some of the more able or ambitious would lay their heads together, and concert measures among themselves in private, and having obtained the King's consent to them, would overrule, or at least guide, the decision of the Privy Council at large.

The commencement of this practice of the King consulting with his favourite Councillors before any measures of State were submitted to the Privy Council can be traced as far back as the reign of Charles I., and it is out of this practice, that what is now regarded as an institution of this country and a most important feature of the Constitution has grown.

DUTIES OF
THE PRIVY
COUNCIL.

The Privy Council still discharges many of the most important duties of the State. It proclaims the Sovereign on his accession and is the instrument of all Royal Proclamations. Those of its members who are Judges sit as a committee to consider petitions from persons appealing from decisions in the Indian or Colonial Courts. It has also an administrative authority. In dealing with some subjects it is impossible for the Legislature to prescribe in all cases what shall be done ; it therefore becomes necessary to give a discretionary power to some authority to issue orders in such cases. The authority chosen is the Sovereign ; and the laws referred to provide that His Majesty may by Order in Council, direct certain things to be done, and forbid the doing of certain other things. These Orders in Council are made by the Council of His Majesty's advisers sitting as a Privy Council, and presided over

by himself. Theoretically, the Council may be composed of any of the Sovereign's Privy Councillors ; but, practically, it always consists of one or more of the Cabinet. These Orders in Council are passed, not at the Council office, in Whitehall, but at such of the Royal residences as the Sovereign may happen to be occupying at the time. They are afterwards published in the *London Gazette*, and in such manner as the Act of Parliament may direct, bearing the names of the Councillors present on the occasion and signed by the Clerk to the Council. For instance, when the cattle plague occurred in England, a law was passed empowering Her Majesty, by Order in Council, to make such provisions as may be deemed proper to prevent the importation of diseased cattle from foreign countries. It was found necessary in that case to forbid the landing in England of any cattle coming from certain ports on the Continent, but a little reflection will show that it was impossible to pass a general law upon the subject, because, although to-day cattle might be diseased in Holland, next month they might be sound there, and yet very bad indeed in Roumania. Consequently it was necessary to give a discretionary power to forbid the importation of cattle from this or that port, as occasion required. In all such cases the King in Council is selected as the authority to make the necessary orders ; so that when we hear of Orders in Council about anything, we must understand that those orders are issued by His Majesty in Council under the authority of an Act of Parliament, which prescribes the circumstances under which orders shall be made, and to what extent the discretion shall be exercised.

CHAPTER IV.

THE CABINET AND THE GOVERNMENT.

IN times long since past the King personally took an active part, not only in making the laws, but in administering them; now, however, it would be thought unconstitutional for the Sovereign to do anything in the administration of the law except by the advice, and through the medium of his responsible advisers and appointed representatives. Not only are judges and magistrates appointed to judge and order the punishment of those convicted of breaking the law, but every department of the State is managed by a representative of the Sovereign, who is called a Minister of the Crown. Certain of these Ministers form the Cabinet, and it is in accordance with their advice or counsel that the Sovereign acts. In their hands, indeed, is vested the whole of the Royal authority.

THE
CABINET
NOT REGU-
LATED BY
FIXED
RULES.

The number of persons forming the Cabinet is not fixed, but it generally happens that about fourteen of the principal Ministers compose it. There is no rule requiring that the holder of any particular office should be a member of the Cabinet, or that a member of the Government should hold any office at all, but it has become the custom always to give a seat in the Cabinet to the holders of certain offices. There are several offices, the holders of which are sometimes members of the Cabinet and sometimes not; and in some cases eminent and aged statesmen have been appointed Cabinet Ministers without any special office, because of their great experience and ability. Nor is there any rule as to the relative numbers of peers and commoners who form the Cabinet, but usually the majority of those composing it are members of the Lower House of Parliament. The composition of the Cabinet is, in fact, regulated by no fixed rules. The necessities of the day, and the personal qualities of those who form the Government as a whole, alone guide the Prime Minister in choosing who shall and who shall not form the Cabinet.

The Cabinet, as we have already said, practically takes the place of, and performs the duties which were in former times exclusively discharged by the Privy Council ; but although from long usage it has come to be considered as an essential part of the institutions of the country, yet its existence is not recognised by the law of the land. There is no official notification of those who compose it, nor is there any record of its meeting or of the business it transacts, and no mention will be found of it in any Act of Parliament. Its deliberations are always secret ; and no one is allowed to enter the room where it is held during its deliberations. It is the duty of the Prime Minister after each Cabinet, to inform the Sovereign what has passed, but none of those who compose it may, for any purpose, make public what has occurred in Cabinet without the express sanction of the King. Cabinets are usually held twice a week during the sitting of Parliament, and they are summoned by the Prime Minister in the following way :—

“ Sir,—You are requested to attend a meeting of His Majesty’s servants on——day, at——o’clock, at———,”

But, beside the members of the Cabinet, there are several others who form the Administration. If we count every member of the Government, we shall find they number more than forty ; and the whole of these agree to act in concert, to remain in office as long as they can conscientiously approve the public acts of each other, and as long as the advice given by the chief members of the Administration to the Sovereign is approved by the country. Immediately their advice is disapproved by the country they all resign their offices, and others are appointed in their stead. How it is discovered that their advice is disapproved by the country we shall see presently, in the chapter dealing with the responsibility of Ministers.

The various officials forming the Government may be classified under three heads. First in importance, are those who have seats in the Cabinet ; next come those members of the Government who are not members of the Cabinet, but who are immediately associated with

OTHER
MEMBERS
OF THE
GOVERN-
MENT.

the Cabinet Ministers in the administration of public affairs ; and thirdly, we have officials of the Royal Household.

THE PRIME
MINISTER.

The chief member of the Government is he upon whom the Sovereign calls to form an Administration or Government ; and, although it has of late become the custom for him to appropriate to himself the office of the First Lord of the Treasury, there is no fixed rule upon the subject, and he may assume whatever office he thinks best suited to his abilities, or most important for the time being. In 1783 Mr. Pitt, being called upon by his King to form an Administration, appropriated to himself the posts of First Lord of the Treasury and Chancellor of the Exchequer, and his example has been followed by others ; but usually the Prime Minister takes the post of First Lord of the Treasury alone. As Prime Minister, his first duty is to gather around him the most able of his friends and supporters, and distribute among them the high offices of State according to their experience and ability. In doing this care is taken to make such appointments as will be approved by the country. It sometimes happens that he is unable to secure the assistance of the most able statesmen of the day ; perhaps they may differ from one another on important questions ; or some other less weighty reason may exist to prevent them working together. In such a case the difficulty of forming an Administration is greatly increased, and sometimes cannot be overcome. Whenever this is so, the Prime Minister returns to his Sovereign, confesses his failure, and prays to be excused. Another is sent for, who will, perhaps, be successful. Having formed his Administration, the various departments of which will be described presently, the Prime Minister accepts the seals of his office from his Sovereign in person, and proceeds to the discharge of its duties. Being the principal adviser of the Sovereign he has the power of appointing, not only all members of his own Government, but all Archbishops and Bishops, and of nominating persons to fill all superior offices in the gift of the Crown as they become vacant.

The Prime Minister also presides over the meetings of the Cabinet when Ministers consult in private as to what

measures should be laid before Parliament for the better government of the country, and that advice should be given to the Sovereign as regards any important matters which may from time to time arise, whether it be in reference to a matter of dispute between this and another country, or a difficulty connected with our Colonies, or the people of the country generally. Thus it will be seen that the position of Prime Minister of England is one of the very first importance ; it is second only to the position occupied by the Sovereign, yet it is a post which may be attained by any natural born British subject, no matter what his origin.

We have said that the Prime Minister usually appropriates to himself the office of First Lord of the Treasury. The Treasury is the department which has to do with the receipt of all taxes and fines, and the payment of all moneys. So far as the receipt and expenditure of money produced by taxation is concerned it controls every department of the State. Formerly the chief of the department was styled the Lord High Treasurer, but it has been recently the custom to place the office in Commission, that is, to distribute the duties and responsibilities among several persons, who are styled Lords Commissioners of His Majesty's Treasury. The Chancellor of the Exchequer stands next in importance to the First Lord as a Lord of the Treasury. It is he who actually superintends the control of the public moneys, and when we come to the chapters dealing with the House of Commons we shall see that he has a great deal to do with taxing the people. He has always a seat in the Cabinet, and is assisted by two or more Junior Lords of the Treasury, and two Secretaries, all of whom must have seats in one or other of the Houses of Parliament, and all of whom resign their posts when their chief goes out of office.

Besides these, there are a number of officials at the Treasury, holding high positions, such as the Permanent Secretary, who do not go out of office with the Government. They are members of the civil service, who are appointed not on account of their political opinions, but because they are good men of business, who, it is believed, will do their work well, and they remain at

LORD HIGH
TREASURER.

PERMANENT
OFFICIALS.

their post as long as these expectations are fulfilled, no matter who is at the head of affairs. The salaries of the First Lord of the Treasury and of the Chancellor of the Exchequer are £5,000 a year each; the Junior Lords have £1,000 each, and the Secretaries £2,000. The whole cost of the department amounts to upwards of £60,000 per annum, but the sum varies from year to year, according to circumstances.

THE

LORD CHAN-
CELLOR.

The most important member of the Government, next to the Prime Minister, is the Lord Chancellor, or, to be more particular, the Lord High Chancellor of Great Britain and Ireland. He is appointed Lord Keeper also by the delivery of the Great Seal into his custody, and he never allows the Great Seal to go out of his possession. He is a Privy Councillor by virtue of his office, and usually a Cabinet Minister. He presides over the House of Lords, and is generally a Peer of the Realm, but it is not absolutely necessary that he should be so. In former times it was not uncommon to appoint one not a Peer to the office of Lord Chancellor, but in that case, although he presided in the House of Lords he did not vote. He is the guardian of all infants, lunatics and idiots; he is visitor in behalf of the Crown of all hospitals and colleges of Royal foundation; he appoints all the Justices of the Peace throughout the Kingdom, and joins with the Prime Minister in the appointment of all the Judges. He is said to be the keeper of the King's conscience, because in former times the office was commonly held by an ecclesiastic. Now, however, the dignity is invariably conferred upon a lawyer of distinction, because, in addition to his other duties, he sits as head of the Court of Appeal and in the Supreme Court of Judicature in London. His salary as Lord Chancellor is £10,000 a year, which includes payment for his services as Speaker in the House of Lords. Upon retiring from the office, which he does with the Prime Minister, he receives a pension of £5,000 a year; but only four ex-Lord Chancellors can be in receipt of that pension at one time. Socially the Lord Chancellor holds a very high position. He takes precedence of all others, except members of the Royal Family and the Archbishop of Canterbury. The office

of Lord Keeper of the Great Seal is sometimes put in commission, that is to say, the duties of the office are entrusted to two or three persons.

The great dignity and emoluments of the office of Lord Chancellor would lead one to think that it is superior to that of Prime Minister. Before the time of Queen Anne, when there was no Prime Minister as we now understand the term, the Lord Chancellor was the chief adviser of the Sovereign, and the great dignity and emoluments of the office are to be traced to this. It is necessary to go only a little further back, to the time of William III., to find that when he was offered the Throne of England what we now understand by the Cabinet had not then become a settled institution in the country. As, however, the nature of the Cabinet has become more defined, and the position of chief adviser to the Sovereign has become disconnected from the office of Lord Chancellor, the holder of that office has lost much of the power possessed by his predecessors, but has retained the social dignity of the position and its emoluments.

It may occur to some that there is little reason for continuing to the office of Lord Chancellor so large a salary as £10,000 per annum, while the Minister, under whose advice he is appointed, receives only £5,000 ; but there is more reason for this than we may at first sight suppose. Those who attain to the high office of Lord Chancellor sometimes rise from positions of comparatively low degree by virtue of great natural ability, indomitable perseverance, and a life of hard work ; and it is held that the dignity and the emoluments of the office form a very fit reward for the efforts put forth to attain it ; indeed, the office has come to be regarded as a reward for distinguished legal attainments rather than as a remuneration for political services. Besides, lawyers of eminence would not accept the office unless the salary were sufficient to induce them to relinquish their practice. The pension too, is awarded partly as a reward for distinguished service in the past, and partly as payment for services given by ex-Lord Chancellors, or Law Lords, as they are called ; for, as we shall presently see, those Privy

Councillors who are lawyers sit as Judges upon Appeals from decisions of Courts in India and the Colonies, and advise the Sovereign what answer to return to those appealing. The office of Lord Chancellor is a position to which any man who chooses the law for a profession may attain to, provided he is not a Roman Catholic, and it is a very great advantage to the country that so rich a prize should be held up for competition. The Act excluding Roman Catholics from the office was passed in the tenth Session of the reign of George IV., chapter 7, and is based on the principle that a Roman Catholic cannot conscientiously advise a Protestant Sovereign on matters ecclesiastical.

LORD
PRESIDENT
OF THE
COUNCIL.

The office of Lord President of the Council is always held by a Peer, and the holder of the office is always in the Cabinet. He is head of the Privy Council Office, and in the Privy Council Office are sub-departments, which carry into effect the law relating to education, and other matters for the control of which there is no special department of State. The salary of the President is £2,000 a year.

THE VICE-
PRESIDENT
OF THE
EDUCATION
COMMITTEE.

The Vice-President of the Committee of Council on Education is invariably a member of the House of Commons, but whether he is a Cabinet Minister or not depends upon the importance of the office for the time being, and the ability of the person holding it. Being head of the Education Department, the office of Vice-President was very much increased in importance by the passing of the Elementary Education Act in 1870, and it was thought necessary in the following year that the holder of the office should be a member of the Cabinet, but it does not follow from this that any future holder of the office will be so distinguished. In this capacity he has the control of our system of national education. The Committee over which he presides controls the actions of all School Boards, reviews the decisions come to by those Boards in many cases, and in some has the power of preventing these decisions being acted upon. His assistants examine the scholars in all the schools receiving grants from Government, and estimate the amount each should receive. But whatever is done by the department over which he presides is done in

accordance with powersⁿ vested in it by Act of Parliament, and any future Act of Parliament may enlarge or restrict those powers in any way the Legislature may think fit. One of the most important of the duties of the Vice-President is to lay before the House of Commons a statement of the amount of money required by the department for the education of the people, and to obtain the sanction of the House for its expenditure. The salary of the Vice-President is £2,000 a year.

There is a separate department for the control of Elementary Education in Scotland, with separate secretaries and inspectors ; and in Ireland there is a National Education Department, presided over by a Resident Commissioner.

The Committee of Council on Education also controls the administration of the Science and Art Department at South Kensington.

The Lord Privy Seal is an official whose duties are for the most part formal in character and not very onerous. He gives authority to the Lord Chancellor to use the Great Seal when occasion requires it. The holder of the office receives £2,000 per annum, but sometimes the salary is not drawn, and attempts have been made to abolish the office on the ground of economy ; but it is contended that offices of this character should be continued, and given to men of experience, whom it is desirable to have in the Cabinet. It is said also, that such men are needed to undertake special work connected with no department in particular ; and cases sometimes occur in which the head of an overworked department needs the assistance of a competent person to conduct an enquiry of great importance, upon which legislation may follow, and Lord Privy Seal is usually selected in such a case.

LORD PRIVY
SEAL.

There are five principal Secretaries of State, each of whom has a seat in the Cabinet, and amongst whom are distributed the management of affairs at home, our relations with foreign Powers, our business with our Colonies, the care of our army, and the government of India. The nature of their appointments does not confine either of them to the discharge of the duties of

THE SECRETARIES OF
STATE.

the particular office he undertakes ; they have each full powers to discharge the duties of the others without any fresh commission from the Crown, and convenience only dictates what department of the State they shall each have charge of.

Each of these Chief Secretaries is assisted by an Under-Secretary, having a seat in Parliament, and the appointments are generally distributed in such a way that each department has a representative in both Houses of Parliament. If, for instance, the Home Secretary be a Peer, the Under-Secretary for the Home Department will be nominated from among members of the Lower House, or the reverse. The salaries of the five principal Secretaries of State are £5,000 per annum each, and of the Under-Secretaries £1,500, except the Under-Secretary for India, who draws only £1,200. These Under-Secretaries are called Parliamentary Under-Secretaries, to distinguish them from the Permanent Secretaries of each department, who remain at their posts, no matter what Government is in office. The Under Secretaries never have a seat in the Cabinet.

THE HOME SECRETARY. The Secretary of State for the Home Department occupies a very important position in the Government. He controls the inspection of factories, mines, salmon fisheries, reformatories and industrial schools. He has the control of all prisons ; he keeps a strict account of all crimes committed throughout the country, and by periodical inspection, endeavours to secure an efficient body of police in every part of the Kingdom. The police are under the immediate control of the various Town Councils and Boards having authority over the districts wherein they serve, but the Imperial Government makes a grant of money to each of these authorities, in part payment of the cost of their police, provided they are efficient ; and by this payment purchases the right to inspect. Upon the Home Secretary also devolves the duty of considering and advising the Crown with reference to applications for pardon or commutation of sentence in the case of convicted criminals ; and he has the power of reviewing decisions by Magistrates and even remitting penalties. The power of dismissing magistrates rests with the Lord Chancellor, but dismissal

is often preceded by, and a consequence of a representation from the Home Secretary.

The Secretary of State for Foreign Affairs conducts our diplomatic intercourse with foreign Powers. He instructs our Ambassadors and our Consuls at foreign ports in this respect. He receives the Ambassadors from foreign Courts, and transacts all the business of the State with them. He negotiates all treaties with foreign Powers, whether they relate to commerce or the settlement of international disputes. It is an office of great trust and responsibility, as upon the good management of the Secretary of State for the Foreign Department often rests the question of peace or war. The Minister selected for this office is, as a rule, distinguished for his soundness of judgment and his extended knowledge of politics and diplomacy.

THE
SECRETARY
FOR
FOREIGN
AFFAIRS.

The Secretary of State for the Colonies, as the name of his office implies, superintends the actions of this country with regard to our Colonies. He recommends for appointment all Colonial Governors and controls the government of each Colony according to the powers conferred upon him in each case—that is to say, he has certain general powers of control over the Governments of all Colonies, but in several cases, special Acts have been passed by Parliament, restricting his powers, or conferring upon him special powers. Whenever any Colony requires the assistance of the mother country in money matters, it is through the Colonial Secretary that the application comes before Parliament. The assistance is usually granted in the shape of loans, or rather guarantees, upon the part of the country, to pay back any loan a colony may raise if the colony should not be able to do so. Unless the Acts of Colonial Parliaments and Legislatures are approved by the King on the advice of the Colonial Secretary they cannot remain in operation.

THE
COLONIAL
SECRETARY.

The Secretary of State for War has control of the army at home and abroad, and is superior even to the Commander-in-Chief, because he represents the Sovereign, who is head of the army, though not actually commanding. All movements of troops are made by his direction ; all appointments and promotions by the

THE
SECRETARY
FOR WAR.

Commander-in-Chief are made subject to the King's approval as advised by him in accordance with the provisions of the Army Regulation Act. He is responsible for the efficiency of the army to the Crown and to Parliament, by whom he is required each year to justify the cost to which he puts the country on that account. He is assisted by a Parliamentary Under-Secretary who has a seat in one or other branch of the Legislature. Including the pay of the soldiers, the War Department spends as much as £14,000,000 per annum, even in times of peace.

THE
SECRETARY
FOR INDIA.

The Secretary of State for India may be said to be the ruler of our Indian Empire during his term of office. He represents the Crown in all our dealings with India, and though he consults, from time to time, with a Council formed by men whose great experience in Indian affairs qualifies them for the office, the responsibility of all decisions come to rests upon him.

In order to clearly understand the position of the Secretary of State for India and his Council, we must go back to the time when India was colonised by a body of British merchants, known as the East India Company.

The East India Company was founded on the last day of the year 1600, by Queen Elizabeth granting a charter to the Earl of Cumberland, and 215 Knights, Aldermen, and merchants for the exclusive rights of trading in India for fifteen years.

This was 100 years after the Portuguese had found their way to the shores of India by sea; but the Company succeeded in establishing factories on the coast, and, in course of time, by dint of superior energy, became the chief European traders with India. As they progressed, fresh charters were granted to them by the Crown, and, as their possessions increased it became necessary to establish an armed force to protect their factories and warehouses. This force, in course of time, developed into an army, by means of which the Company was able to extend its operations far inland, until it became, under the Sovereigns of England, ruler of the Indian Empire.

The Government of India was carried on by the East India Company as late as 1784, but in that year a

department of State was formed by an Act of Parliament called the Board of Control, consisting of six Privy Councillors, who were to control the Company in the administration of affairs in India ; but in 1858 both the Company and the Board of Control were superseded by an Act of Parliament, conferring upon the Secretary of State and the Council of India the powers jointly possessed by the Board of Control and the Company. The Council of India, as constituted by the Act, consists of ten members. They are not permitted to sit in Parliament, and they retain their office during good behaviour, at a salary of £1,200 per annum.

But the Secretary of State, assisted by the Council and his Secretaries, decides only what shall be the general policy of the Government of India ; the actual administration of the affairs of India in detail devolves upon a subordinate department in India itself, headed by the Governor-General, or Viceroy, of India, and styled the Government of India. The Commander-in-Chief of the army in India is the principal member of the Government ; and there are five other Members, who are styled Ordinary Members. Besides these there are additional Members for making laws and regulations, and six Secretaries to the Government—one for Home Affairs, who controls the administration of the law in the same way as our Home Secretary does in England ; another for Finance, who manages taxes and the expenditure of public money ; a third for Foreign Affairs, who transacts all business which may arise between the Indian Government and the Governments of surrounding countries ; a fourth—military ; a fifth—legislative ; and a sixth for Public Works, such as the making of roads, railways, docks, and carrying out irrigation schemes, of which there is great need in India, owing to the heat of the climate and the recurrence of seasons of drought.

THE
GOVERNOR-
GENERAL
OF INDIA.

India now comprises nine separate provinces. The three Presidencies are regulated by their three Governors, each of whom is assisted by a small Council, his private advisers, and some Additional Members for making laws and regulations, besides an establishment of Secretaries, Revenue Collectors, Judges and Magistrates. These

officials are responsible to the Governor of their Presidency ; the Governors of the Presidencies are responsible to the Governor-General, or Viceroy, who is responsible to the Secretary of State, who, in his turn, is responsible to the Crown and to Parliament.

The elaborate machinery for the government of India is necessary on account of its great size. The Presidency of Bengal alone is six times as large as Great Britain, and the population under British rule in India numbers about 250,000,000. There is no Parliament in India as there is in most of our Colonies. Laws are made there by the Council just referred to ; but recently, natives who have distinguished themselves have been advanced to positions of trust in the Government ; and it is hoped that, in time, as the native population becomes educated, the policy of admitting natives to the administration will become general.

THE FIRST LORD OF THE ADMIRALTY. The First Lord of the Admiralty is the Cabinet Minister who undertakes the management of the British navy. Formerly the head of the navy was styled the Lord High Admiral of England, whose position as regards the navy corresponded with that of the Lord High Treasurer as regards the nation's receipt and expenditure. But the office of Lord High Admiral also, like the office of Lord High Treasurer has been of late put into Commission, that is to say, the duties of the office were distributed among several persons, who are called Lords Commissioners of the Admiralty. They are five in number, including the First Lord. They are also called the Board of Admiralty, because the original intention was that the Lords Commissioners of the Admiralty, with the Chief Secretary, should consult together upon matters connected with the navy. This was thought necessary, because it generally happened that the office of First Lord of the Admiralty was given to a statesman who was chosen on account of his high standing as an administrator rather than because of his knowledge of ships of war ; indeed, cases have been known of the office of First Lord of the Admiralty being held by statesmen who had never been on a ship of war in their lives. This may appear strange, but a little consideration will show that it is not by any means a bad feature.

Let us consider the matter. The First Lord is appointed, we will say, because he has shown himself to be a man of sound judgment in every department of State which he has occupied. Two of the Lords Commissioners, we will suppose, are appointed because they can boast of long experience in naval affairs, having served in the navy from their youth and occupied every position in the Service from midshipman to admiral. The Fourth Lord owes his appointment, let us say, to his experience in shipbuilding or dockyard management. The Fifth Lord may be a rising statesman, having no connection with the navy; and the case of the Secretary, we will suppose is the same. The First Lord would be the only Cabinet Minister among them, and he would be a member of either the House of Lords or the House of Commons; the others would be described as Sea Lords, or Civil Lords, or Junior Lords as the case may be; and the Secretary would be, in all probability, a member of the House of Commons. Now it is easy to understand that a man who has spent all his life in a profession might become prejudiced in favour of its old customs and impatient of any change. This, it is supposed, would be the case with men who had served in the navy all their lives, and consequently, it has been held impolitic to place at the head of the navy a naval officer, however distinguished, altogether uncontrolled. At the same time no one would be more competent to give an opinion upon any question of detail connected with the navy than an admiral. Accordingly it has been thought best to associate together several competent men, each of them experienced in one department or another, and place at their head a distinguished statesman, who would, on all matters of moment, consult with them and form an opinion upon the basis of their experience. In this way, it is believed, a thoroughly sound and unprejudiced decision is arrived at.

The First Lord of the Admiralty advised in this manner has supreme control of everything connected with our navy; it is under his direction that ships are built and manned, and that officers are appointed to command them. No ship of war sets sail without orders

from the Admiralty, and all commanders are responsible to the Board for misconduct. The First Lord of the Admiralty has to provide vessels, or transports, for the conveyance of troops when required by the Secretary of State for War; and the Coastguard Service, and the Royal Naval Reserve, which form our reserves of seamen, are under his control. The men of the Coastguard are posted round the entire coast, not only to prevent smugglers landing goods upon which custom's duty should be paid, but it is part of their duty to report to the Admiralty if a foreign man-of-war is seen by them, no matter how peaceful her appearance and intentions. They are also charged with the saving of life from shipwreck by means of the rocket and life-boat apparatus, the protection of wrecked property and the instruction of the naval reserve of merchant seamen. The Royal Naval Reserve are merchant seamen who undergo twenty-eight days' drill in each year, who receive an annual retaining fee paid through the Board of Trade, and who undertake to serve in the navy upon any sudden emergency. The expenditure upon the navy, including the pay of the men, the cost of the ships and fortifications, and the salaries of officials, exceeds £10,000,000 a year.

PRESIDENT
OF THE
BOARD OF
TRADE.

The President of the Board of Trade, who is invariably a Cabinet Minister, occupies a very important position in the Government. England is essentially a commercial country, and the Minister, as the head of the department which has the control of her commerce must necessarily be an important personage. England is at once great as a mine, a manufactory and an entrepôt. Being rich in coal, in iron and in people, we of necessity produce more than we can consume, and our merchants send, and our railways and our ships carry, the surplus to towns in England where it can be disposed of, or across the seas to countries whose people are in want of our productions. We do not grow tea in this country, nor cotton; but we need both, and our merchants bring them to us from abroad. The tea we use as an article of diet, but the cotton is brought to us in its raw state, and our cotton spinners turn it into calico and other useful materials. This is done in such large

quantities that when we have supplied our wants there is still a large quantity left for our merchants to send abroad to places where cotton is neither grown nor spun, and where the people are anxious to pay us for bringing it across the seas and spinning it, and afterwards carrying it to them. And besides this, we are continually receiving in our ports and harbours goods and merchandise from abroad in excess of our own wants, and these goods and merchandise here find ships by which they can be conveyed to countries where the people are anxious to receive them. In all our transactions with foreign countries by which England grows rich, the carriers play a most important part, and it is these carriers, and all connected therewith, whom the Board of Trade chiefly controls. But so great are the ramifications of trade that we find the office of the Board of Trade dealing with, and having superintendence over the opening and proper conduct of Railways and Tramways, the publication and revision of the Standard of Weights and Measures and Tariffs, the issue of Patents for Inventions, the Registration of Copyright in Designs and Trade Marks, the control of Art Unions and of Industrial Exhibitions, the supply of Water, Gas and Electricity, the conduct of Insurance and other Joint Stock Companies ; it is chief in the administration of all matters connected with the Sea, Lighthouses, Harbours, Piers and Foreshores, and the Oyster and Mussel Fisheries are under its control ; it has to do with the Registration and Measurements of Ships, the Testing of Chain Cables, and the Survey of Passenger Ships, the Examination of Masters and Mates of Ships, the Health and Discipline of Seamen, the Rule of the Road at Sea, the whole System of Pilotage, and Signals at Sea, the use of Rockets, Lifeboats and all means of Saving Life at Sea, and the Care of Distressed Seamen Abroad ; it also enquires into the causes of Wrecks and Explosions at Sea. In no department of the State is there so great a necessity that the Chief should be possessed not only of power to comprehend the laws and requirements of commerce, but also a capacity for administrative details. At one moment he is engaged upon the most grave questions of principle, and at

another with the minute details of practice. To-day his advice may be required on a delicate point connected with some treaty with a foreign Power ; to-morrow he may be laying down a minute rule for the survey of the boilers of a passenger steamer, or the regulation of an oyster-bed.

The Board is theoretically composed of members of the Privy Council, who are known as the Right Honourable the Lords of the Committee of His Majesty's Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations. The matters connected with "Foreign Plantations," which is only the original description of what we now understand by our Colonies, have been taken away from the Lords of Trade, and now form the duties of the Colonial Office. But although the Board is theoretically composed of a Committee of the Privy Council, the President and the Parliamentary Secretary are responsible to Parliament and the country for the policy pursued by the Board, and under their superintendence the business of the department is managed by a Permanent Secretary, and four Assistant Secretaries, who carry into effect the provisions of Acts of Parliament relating to Railways, Harbours, the Mercantile Marine and the collecting of Statistics.

In all matters connected with Commerce, so far as carrying into effect the intentions of the Legislature is concerned, the Board of Trade is supreme, and its uniform object is to see that the public is well served, and that life and property are not unnecessarily exposed to danger. For instance, no railway or tramway can be opened until it has been inspected by an officer of the Board of Trade ; this is supposed to prevent companies opening imperfect and dangerous lines. In the same way no steam vessel is permitted to carry passengers unless the regulations of the Board are complied with ; and it is the Board of Trade who advises His Majesty in Council what orders should be made as regards lights to be shown by vessels at sea.

The Board of Trade, as the department having control over the Mercantile Marine of the country, also undertakes the duty of keeping the members of the

Royal Naval Reserve together, and of paying their annual retaining fees. The Board also collects statistics and furnishes periodical returns of our imports and exports.

The salary of the President of the Board of Trade is £2,000 per annum, of the Parliamentary Secretary £1,500, of the Permanent Secretary £1,800, and of the three Assistant Secretaries, £1,200 each.

The President of the Local Government Board is an official who was formerly known as the President of the Poor Law Board, he is not always in the Cabinet, but his office is rising in importance every year. He controls all matters relating to public health as far as it is influenced by local administration. He is, to a great extent, the controller of all local boards elected by the ratepayers of the various towns and counties throughout the country for the purpose of administering relief to the poor, and for carrying out such local public works as do not come within the province of the Home Secretary. The department is represented by several inspectors, one of whom upon the occasion of any complaint as to the conduct of relieving officers, masters of workhouses, or Boards of Guardians, proceeds to the spot, and conducts an enquiry into the matter complained of.

PRESIDENT
OF THE
LOCAL
GOVERN-
MENT
BOARD.

The Minister for Agriculture presides over the department which by a recent statute has been charged with the cultivation of the land, the collection of statistics showing the character and extent of the crops grown in each year, the rearing of live stock, and the importation of cattle. It is particularly responsible for checking the spread of contagious disease among cattle, and for this purpose is endowed with large powers for regulating and prohibiting the importation of cattle from abroad and the movement of cattle within the United Kingdom. It has inspectors in its employment who move about the country enquiring as to the character and extent of alleged outbreaks, and these officers have a discretionary power of ordering the isolation or slaughter of the entire stock of a farm, and assessing the amount of compensation to be granted by the State.

THE
MINISTER
FOR AGRI-
CULTURE.

The President, whose salary is fixed at £2,000 a year, is not always a member of the Cabinet ; he has associated with him as a department of the Privy Council the Lord President of the Council and five other Privy Councillors, Members of the Government, who together constitute the Board of Agriculture.

FIRST COM-
MISSIONER
OF WORKS.

The First Commissioner of Works and Public Buildings is seldom a member of the Cabinet, and is an official of minor importance. He is at the head of the department which controls all expenditure connected with the repair of royal palaces and public buildings and the maintenance of royal parks. He has also to control the expenditure on account of furniture for the public offices, and if any new offices are required, his is the department to which plans are submitted, and which superintends the work when actually in progress. He is assisted by several secretaries, surveyors and accountants, but he is himself the only representative of the department having a seat in Parliament. His salary is £2,000 a year.

POST-
MASTER
GENERAL.

The duties of the Postmaster-General are more easily described than those of any other member of the Government. He is at the head of the Post Office, which includes the carrying of parcels and the control of the telegraph system throughout the country. Whether the holder of the office is a member of the Cabinet or not entirely depends upon personal considerations, because no questions of State policy are likely to arise out of the management of a department which is nothing more than a great carrying concern.

The business of transmitting letters might be carried on by a company in the same way as the railways are managed by private persons ; in the same way in fact as the telegraph was formerly managed, but it is thought best that so large an undertaking as the Post Office should not be in the hands of any private person, for fear one section of the community should be favoured at the expense of another. Besides this, it is expedient that the country should have a cheap and rapid means of inter-communication ; the cheaper and more rapid the means of inter-communication the greater the amount of business transacted by the country, and the

greater its prosperity. Now it is clear that if the letter carrying were in the hands of private persons, their chief object would be profit for themselves; but it is presumed that the head of the public department seeks in the first place the convenience of the public, and, in theory, though not in practice, it is a rule with the Postmaster-General to make as little profit as prudence will permit. The salary of the Postmaster-General is £2,500 a year. The profit of the department varies because the charge for carrying letters, parcels and telegrams is reviewed from time to time, and reduced as circumstances will allow, but it amounts to about £3,000,000 per year.

The Chancellor of the Duchy of Lancaster is the head of the department which manages the property attached to the Dukedom of Lancaster, which formerly belonged to the Sovereigns of England, but is now held by the Crown as the property of the State. The duties of the office are not onerous, and are for the most part discharged by the Chancellor's subordinates, the chief of whom holds a position somewhat analogous to that of steward to a nobleman possessing large estates, but of course the position is one of greater distinction. It sometimes happens that the office of Chancellor of the Duchy of Lancaster is held by a statesman whose services are needed in the Cabinet, but whose age prevents him from taking the control of a department requiring much attention.

CHAN-
CELLOR OF
THE DUCHY
OF
LANCASTER.

The Lord Lieutenant of Ireland, who is always a Peer, lives in Ireland and controls the administration of the law throughout that country in the same way as the Home Secretary does in this. But he is something more than a Home Secretary; the judges and other officials are appointed upon his recommendation, and he lives at Dublin Castle in a style equal to that of some foreign princes. His salary is no less than £20,000 a year, but being generally a nobleman of great wealth he usually spends thrice that sum while in office.

LORD
LIEUTENANT
OF
IRELAND.

The lord lieutenants of counties, the sheriffs and the magistrates are all appointed by him as representing the Crown; all applications for reprieve of convicted criminals

are made to him, and he is in all respects King of Ireland, subject only to the Sovereign. But in all his proceedings he acts in concert with the members of the Cabinet in London, of whom his Chief Secretary is sometimes one.

THE CHIEF
SECRETARY
FOR
IRELAND.

The Chief Secretary of the Lord Lieutenant of Ireland has an office in London as well as in Dublin, and during the sitting of Parliament he usually remains in England. While the Lord Lieutenant represents the Government in Ireland, his Chief Secretary represents the Irish Government in Parliament. Upon occasions when matters of great moment to Ireland are under discussion in the Legislature, it is usual for both the Lord Lieutenant and the Chief Secretary to be in London, the one to represent the department in the House of Lords, the other in the House of Commons. Upon such occasions the office of Lord Lieutenant is put in commission, and his seals of office are left in the care of two or three of the Irish administration, probably the Lord Chancellor, the Lord Chief Justice, and the Commander-in-Chief. The Chief Secretary of the Lord Lieutenant has a salary of £4,425 per annum.

SECRETARY
FOR
SCOTLAND.

The office of Secretary for Scotland is of recent origin, and was created for the discharge of those duties in the civil administration of Scotland formerly undertaken by the Lord Advocate as a subordinate of the Secretary of State for the Home Department. The Secretary for Scotland now practically discharges in Scotland all those functions pertaining to the Home Office in England and the Chief Secretary of the Lord Lieutenant in Ireland. His salary is £2,000 per annum, and he has numerous assistants and inspectors under his control.

ATTORNEY-
GENERAL.

The Attorney-General is the officer who represents the Crown in Courts of Law in all cases where the rights of the State have to be defended; he is knighted upon being appointed, but is not made a Privy Councillor. He gives opinions upon points of law which arise in connexion with the Government, and defends the policy of the Government in the House of Commons when legal questions are at issue. He quits office with the Prime Minister who appoints him. The office of Attorney-General, though of great dignity and im-

portance of itself, is of still greater importance when regarded as a stepping-stone to higher office. By custom he is entitled to the first consideration should any vacancy occur on the Bench of Judges during his term of office, and he is always regarded as successor to the Lord Chancellor of his political party. Recently it has been made a condition of his appointment that he shall abstain from private practice in the Courts.

The Solicitor-General holds a position with regard to the Attorney-General somewhat similar to that an Under Secretary of State holds to the Chief Secretary of his department, except that he is not appointed by the Attorney-General but by the Prime Minister himself. He is appointed from among the King's Counsel, must by custom be a member of the House of Commons, is knighted upon being appointed, and quits office with the Minister who appoints him. He usually succeeds to the office of Attorney-General, if it should become vacant by death or preferment, or in any way other than that of a change of administration. Like the Attorney-General the holder of this office acts exclusively for the Crown.

SOLICITOR-
GENERAL.

There are also an Attorney-General and a Solicitor-General for Ireland, who represent the Crown in the Irish Courts, and sometimes they secure seats in the House of Commons, where they actively support the Government in respect of all measures affecting Ireland. These officers retire with the Government in which they serve.

LORD
ADVOCATE.

The representatives of Scotland in the Government, beside the Secretary for Scotland, are the Lord Advocate and the Solicitor-General for Scotland, who occupy a position somewhat similar to that of the Attorney-General and Solicitor-General in England. The Lord Advocate has an office in London, and has a salary of £3,279. The Lord Advocate and Solicitor-General for Scotland retire from office with the Prime Minister who appoints them.

The officers of the King's household, who are appointed by the Prime Minister, and remain in office only as long as he, are the Lord Steward, who presides over the Board of Green Cloth, which manages the palaces set

THE KING'S
HOUSEHOLD.

apart as residences for the Sovereign ; the Comptroller of the Household, who is a member of the Board of Green Cloth ; the Lord Chamberlain of the Household, who controls all persons employed in the chambers of the Sovereign, and his deputy, the Vice-Chamberlain ; the Master of the Horse, who has control over the equerries, grooms and all others concerned in the management of the Sovereign's horses ; the Master of the Buckhounds, who occupies a like position with regard to the kennels of the Sovereign ; and the Mistress of the Robes, who superintends the Robing of the Queen.

Some think it very singular that such officials as these—the Master of the Horse and the Mistress of the Robes, for instance—should go out of office with the Prime Minister ; but it is held that these officers, who hold in some cases almost daily intercourse with the Sovereign, might exercise such influence over the King or Queen, or both, as materially to interfere with the advice given by the more responsible Minister, and thus prevent good government.

THE LORD
CHAMBER-
LAIN.

The office of Lord Chamberlain must not be confounded with that of Lord Great Chamberlain of England, which is hereditary and the duties of which consist in ordering coronations and other public solemnities in which the Sovereign takes part. The Lord Great Chamberlain is the sixth great Officer of State. The seventh is the Lord High Constable of England, who, in recent times has been appointed to act only on the occasion of a coronation. The Earl Marshal, head of the Herald's College, is the eighth great Officer of the State, and the office is hereditary. The office of Lord High Steward of England, formerly described as the first grand officer of the Crown, is revived only on the coronation or the trial of a Peer.

Having now described the whole of the officers of the State who act under the Prime Minister, let us run over the list, taking them in the order of their importance.

The following are invariably Privy Councillors and members of the King's Cabinet : The First Lord of the Treasury, the Lord Chancellor, the Lord President of the Council, the Lord Privy Seal, the Chancellor of the Exchequer, the five principal Secretaries of State, for

the Home, the Foreign, the Colonial, the War,^F and the Indian departments, the First Lord of the Admiralty, and the President of the Board of Trade.

The following are sometimes in the Cabinet, and sometimes not : The Chief Secretary for Ireland, the First Commissioner of Works, the Postmaster-General, the President of the Local Government Board, the Vice-President of the Committee of Council on Education, the Secretary for Scotland, the Minister of Agriculture, and the Chancellor of the Duchy of Lancaster.

The following never have seats in the Cabinet : The Lord Lieutenant of Ireland, the three Junior Lords of the Treasury, and the two Secretaries to the Treasury ; the Junior Lords of the Admiralty and the Secretary to the Admiralty ; the Attorney-General and Solicitor-General for Ireland ; the Lord-Advocate and Solicitor-General for Scotland ; the five Under-Secretaries to the five principal Secretaries of State ; the Parliamentary Secretary of the Board of Trade, the Secretary to the Local Government Board, and the officials of the Royal Household.



CHAPTER V.

THE RESPONSIBILITY OF MINISTERS.

THE purpose of this chapter is to explain what is meant when people speak of "the responsibility of Ministers." Every official whose duties have been briefly described in the last chapter, is, of course, responsible for the discharge of those duties, just in the same way as every person who undertakes to serve another is responsible. Equally, as a matter of course, the superior officers incur greater responsibility upon undertaking the duties of their several posts than do the inferior. The principal Secretary of State for the Home Department, for instance, incurs greater responsibility than the Under-Secretary for the Home Department, whom he appoints. This, however, is not the full meaning of the word "responsibility," as applied to Ministers of the Crown.

A long time ago the great officers of State were appointed by the Sovereign, without much regard to their qualification for the offices to which they were appointed. The King appointed whom he chose, and the office bearer very often considered only the personal interests of the King, without having any regard whatever for the interests of the King's subjects. Thus we read of a King appointing his favourite companion Lord Chancellor, and perhaps we read of the same favourite doing very bad actions as Lord Chancellor without losing his office. Nor did it matter in those days whether the King's Ministers had seats in Parliament or not. It is the same now in theory, but it has become the practice never to appoint anyone to fill the high offices of State who has not a seat in either one or other of the Houses of Parliament, because it is felt to be necessary that the heads of departments should always have the confidence of the people, and be liable

to be called to account in Parliament for their acts. And this is the key to the whole matter.

The Ministers of the Crown can carry on the government of the country without the assistance of the House of Lords and the House of Commons up to a certain point, and the work they have to do can be done quite well without any interference upon the part of Parliament, but for two things. In Chapter II., which describes the position of the Crown, it is stated that the King can declare war against any foreign Powers without asking the permission of Parliament. This is true, but inasmuch as Parliament passes the Mutiny Act for only one year, the King and his Ministers would have no control over the army and navy, unless Parliament choose to re-enact the Mutiny Act year by year ; consequently, although the King may declare war, it is the people who say whether the war shall be carried on ; and no Minister would advise the Sovereign to declare a war unless he was quite sure the people would agree to continue it. In the same way Parliament does not authorise the imposition and collecting of taxes for more than one year at a time, consequently Parliament must be called together once in each year to vote money or supplies to the Crown. If this were not done, neither the soldiers, nor marines, nor any of the servants of the Crown could be paid, and the whole machinery of the Government would come to a standstill.

DECLARA-
TION OF
WAR.

Parliament being called together, the Ministers of the Crown must severally make their appearance in one or other of the Houses of Parliament, and make known the wants of the Crown. Immediately they appear in Parliament the representatives of the nation can call them to account for their acts during the time Parliament has not been sitting. Each Minister has to answer for the good management of his own department, and if any Minister has committed any great mistake, his conduct immediately becomes the subject of discussion ; but though the act criticised may be the act of a single Minister, the whole Cabinet accept the responsibility of it, and regard it as the act of the Sovereign, done in accordance with their advice. So important is the good

MINISTERIAL
CRISIS.

and wise conduct of a Ministry held that this discussion takes precedence of everything, and no business is transacted until it is disposed of. The debate may continue over many days ; and all the colleagues of the Minister whose official conduct is questioned will do their best to defend him, and in the end the question will be put to the vote. This is called a Ministerial crisis, and the motion a motion of want of confidence. The want of confidence may be expressed either by a direct assertion to that effect, or by a motion of disagreement with some specific proposition or act. If the result of the voting should be that a larger number vote in condemnation of the act or proposal than in approval of it, the whole of the Ministers resign their places, including every official whose duties are described in the last chapter.

RESIGNATION OF OFFICE. We must observe that the members of the Government resign, not because the Sovereign is displeased with the manner in which they have managed affairs, but because the House of Commons is displeased with the advice they have given to the Sovereign ; and we must notice further that although many of those who voted in condemnation of the particular act would in all other respects approve the conduct of the Ministry, yet, notwithstanding that it is only a single act of a single Minister which is condemned, no Government could remain in office after this condemnation has been passed by Parliament.

This is the most remarkable feature in the practical working of the British Constitution. In the first place, the responsibility of every single act of every individual member of the Cabinet is accepted by the whole body of the Government and all are united in defending each other ; but immediately any single act of any individual Minister is condemned by the elected representatives of the country, they all feel the reproach and forfeit the dignity and emoluments of office, because they are too honourable to hold a post a single day after their competency to discharge its duties with credit to the country has been successfully questioned.

They have, however, one alternative. If they have reason to believe that their policy is approved by the

country itself, though not by the then existing House of Commons, they can advise the Sovereign to dissolve Parliament and cause another to be elected so that the voice of the country itself shall be expressed upon the point at issue. This is what is called appealing to the country, and if the new Parliament is of the same opinion as that which was dissolved, the Government has no choice and must resign.

APPEAL TO
THE
COUNTRY.

No sooner has a Government resigned than a new one has to be appointed, and this is one of the very few occasions upon which the personal views and wishes of the Sovereign have direct influence upon the course of events, but even in this case the Sovereign's wishes are not supreme. The Sovereign must appoint, as Prime Minister, one in whom Parliament has confidence, or who, in other words is trusted by the country; and the Prime Minister, charged by his Sovereign with the duty of forming a Government, must, as we have already seen, in the first place, find some twenty other men among his adherents competent and willing to undertake the duties of the principal offices of State. All those whom the Prime Minister has thus chosen, who happen to be members of the House of Commons, vacate their seats immediately they accept the office to which they have been appointed, and have to go to their constituencies and ask to be re-elected. This practice originated in the desire to prevent the Crown from procuring support in the Commons by appointing its members to offices of profit. Ministers who have accepted office prior to their election, do not vacate their seats in the House of Commons upon changing from one office to another.

ACCEPTANCE
OF OFFICE
VACATES
THE SEAT.

Thus it comes to pass that the appointments made by the Sovereign have to be endorsed by the electors; and although technically speaking, the appointments are made independently altogether of the expressed wishes of the people, and entirely at the pleasure of the Sovereign, unless those Ministers who are commoners can secure re-election, it becomes necessary that they resign their posts, that others may be appointed in their stead. This, however, seldom occurs. Appointments to high offices of State are made with so much care, and

the men chosen are of such high repute, that it is seldom a constituency cannot be found to re-elect them, even if their former constituents refuse to endorse the appointment and prefer others in their stead.

It is, therefore, no exaggeration to say that, although the Ministers of the Crown are not actually nominated by the people as represented in the House of Commons, they are practically so appointed, and, as a matter of fact, hold office during the pleasure of Parliament. The natural consequence is that they are careful to give such advice to the Sovereign as they believe will be approved by a majority of the people, and that not a small but a very large majority. Now, if it happened that the Sovereign wished to submit a measure to Parliament which the Cabinet believed would be contrary to the will of the people, they would refuse to give their consent to his proposals, and if he were to insist they would resign, and he would have to find some Ministers who would endorse his proposals before they could be submitted to Parliament. If, for instance, he desired to imprison anyone who was personally obnoxious to him, as Kings in former times often did, he would have to find a Cabinet which would approve his wishes. If he were successful in securing such a Cabinet, which would in these days be almost impossible, the policy and legality of the act would be called in question in Parliament, and the Ministers who advised it would be compelled to resign. As no Ministry would act so unwisely as to give advice which they knew would inevitably lead to their resignation, the King, although supreme, would find it impossible to do this improper thing; and in these circumstances we may truly say the King can do no wrong. But the very same reasons which make it impossible for the King to secure a Cabinet which will take the responsibility of advising him to do wrong also induce the Cabinet to give advice correctly corresponding with what they believe the wish of the country to be. In proportion as a Minister does this he is said to be successful or the reverse; and as all Ministers try their utmost to act in accordance with the wishes of the country, that they may the longer retain power, the official acts of the

Sovereign are as nearly as possible the exact expression of the will of the people ; so we may fairly say that when the King acts it is the people themselves who act.

CHAPTER VI.—PARLIAMENT.

PARLIAMENT, technically speaking, consists of the King, the House of Lords, and the House of Commons, but the word "Parliament" is commonly used to represent the House of Lords and the House of Commons, and we shall use the words in that sense, especially as it has come to us from the French word *parlement*, discourse, and is commonly understood by us to describe a deliberative assembly.

It will have been gathered from the foregoing chapters that though the whole authority of the Sovereign and all the powers necessary to govern the country are exercised through the Cabinet, who, with the less prominent members of the Government, form the Executive, yet the supreme power of control is held by Parliament. How this has come to pass forms the most interesting portion of the history of our country.

In the time of the Anglo-Saxons the ruling authority was the Witenagemot, or assembly of the wise men by whose advice and concurrence the Anglo-Saxon Kings made laws and imposed taxes. It was composed of the Earls or Aldermen of the counties, and the prelates and abbots. It is believed the lesser thanes were excluded from the Witenagemot but that the King's thanes had some part in it. To what extent, and at what period they joined with the nobles and clergy in the Council of the King is uncertain, but when so sitting, they resembled both of our Houses of Parliament assembled together. The ceorls were altogether excluded.

THE WITEN-
AGEMOT.

Being unable to read or write, and possessing scarcely any knowledge beyond that of husbandry and the use of weapons of war, it cannot be held that the common people of the land in these times were fit to take part in the making of laws. Even if they had possessed anything beyond their labour requiring the protection of the State, they did not have the knowledge necessary to enable them to discriminate between good and bad measures. This is sufficiently proved by their superstitious belief in the trial by ordeal. We cannot, therefore, blame those who withheld political power from them, because it is a mistake to suppose that any person, simply because he is a man, is fit to form an opinion upon affairs of State, or even to express an opinion as to who is fit. Much study and experience are necessary for the purpose ; even the wisest statesmen sometimes commit errors of judgment, and it cannot but happen that those who are quite ignorant of statesmanship should similarly fail. It would be as wise to entrust the navigation of a vessel to a man who had never seen the sea, or heard of a ship, as to give an utterly ignorant person power to influence the Government of the State.

ANGLO-
SAXON
KINGS
ELECTED.

Still, as will have been seen, the Constitution of the country was not an unlimited Monarchy, even at this early period of our history. The true heir to a deceased King was often set aside, and in all cases the accession to the Throne was settled by the Witenagemot, without whose consent the King had no power to make laws or treaties, to issue edicts, or levy taxes. There were besides parties constitutionally opposed to the King in the person of the clergy and the nobles, whose decrees were sometimes at variance with his, and as the more worthy of the Commons sought to obtain a share in the control of affairs, the King at one time, and the nobles at another, sought to win their favour by offering or conferring privileges.

The mode of Government prevailing under the Anglo-Saxon Kings was continued after the Norman Conquest with little variation for many years, and gradually assumed a definite form. As the Barons held the land from the King by virtue of service, and as the cultivators

of the soil held their smaller divisions of land by virtue of like service to the Barons, the whole country was kept in subjection by a unity of interest on the part of the Barons and the King and a thoroughly well-defined system of government was established. Although much heartburning arose among the Anglo-Saxons at the oppressive measures adopted by William I., yet the country was systematically united as it never had been before ; and although at first the controlling power was strong, a few years sufficed to produce diversity of interests among the Barons, and circumstances soon arose which led them to place themselves in opposition to the King. Having complete control over the many vassals in their baronry, they became formidable opponents to William, who deemed it advisable, as a measure of protection, to conciliate the English. He did so by conferring upon them some of their old privileges, and thus he deprived the Barons of their exclusive influence over the people resident within their baronies.

THE
BARONS.

In this way a Baron, although a powerful support to the King while he remained faithful to him, ceased to be as powerful when he turned against the King, because he was not as sure of carrying his vassals with him as formerly. So the system of control was maintained, while the disposition of the Barons to revolt was checked.

The most important feature of this struggle was the even balance that was maintained among the several elements of the Commonwealth. The fact that the King went to the people for assistance against the Barons, and that the people looked to the Barons for protection from the King, is the key to our present liberties and the very foundation of our present constitutional Government.

The custom of summoning the nobles to the great Council, as in the Anglo-Saxon times, was maintained by William I., and the methods of administering the law and settling disputes which had grown up previous to his accession were continued in theory and ultimately survived in practice. There is a distinction, however, between merely giving counsel and effectively controlling

a policy, and it was not until the reign of Richard I. that the Barons acquired a thoroughly constitutional position in the State.

The King, on leaving for the Crusades, commissioned his Chancellor, William Longchamp, joint regent and justiciary, with the Bishop of Durham; but Longchamp, by excluding his co-adjutor from any share in the administration, provoked the nobles, who, with John, afterwards King John, at their head removed him from his office, and passed upon him sentence of banishment. This was a remarkable assumption of power by the Barons, and the earliest authority for a leading principle of our constitution, the responsibility of ministers to Parliament.

THE GREAT
CHARTER.

In the course of the next reign, that of King John himself, occurred one of the most important events in our history: the granting of the Great Charter of Liberties. It is singular that John, who led the Barons in their first protest against the abuse of Royal authority, should himself have been the subject of the first protest on the part of the Barons against the King himself. So famous is this event that King John is scarcely remembered on account of anything other than the triumph of the Barons and his tyrannous exactions which led to it. The leaders in this great constitutional victory were Stephen Langton, Archbishop of Canterbury, and William, Earl of Pembroke, of whose work it has been said that if every law passed since the passing of the Great Charter were swept away, there would still remain the bold features that distinguish a limited from a despotic monarchy.

Magna Charta restricted the sums to be paid by vassals to their lords, and enacted that justice should neither be sold, denied, nor delayed, and that none should be imprisoned or exiled but by the lawful judgment of his peers. Other clauses prescribed that chattels necessary to a man's station, such as the arms of a gentleman, the merchandise of a trader, and the plough of a peasant, should be exempt from seizure.

The acquisition of power by the Barons was naturally followed by concessions to the Commons. As the authority of the new Estate grew it became necessary to

check its ambition by enlarging the power of its competitor, but two hundred years elapsed from the time of the Conquest before the Commons were recognized as a body entitled to share in the government of the kingdom. There is some reason to suppose that representatives of the Commons were summoned to Parliament as early as the fifteenth year of the reign of John, but it is not at all certain that they were elected, and it is more probable they were nominated by the Sheriff, in response to the command of the King. In the year 1264, however, when Henry III. was held prisoner, after the battle of Lewes, by Simon de Montfort, Earl of Leicester, and brother-in-law of the King, writs, bearing date the 12th December, were issued by de Montfort, directing the Sheriffs, in the King's name, to return two knights for their county and two burgesses for every city and borough contained in it. This is always regarded as the foundation of the House of Commons, for by whatever means the knights and burgesses were elected, however restricted the constituency which returned them, and whatever the motives of Simon de Montfort in calling them together, the principle of the representation of the Commons was, for the first time, distinctly established and applied throughout the kingdom.

FIRST
REPRESENTATION
OF THE
COMMONS.

The Commons, however, were not represented in the Parliaments immediately succeeding this epoch, and some years elapsed before a complete representation of the counties and cities was summoned by the King. It is interesting to notice that the Scotch are supposed to have been before the English in this matter, for it is stated "that as early as 1211, the burgesses (in Scotland) gave suit and presence in the great council of the King's vassals."

The Commons were, in the first instance, called together simply that subsidies might be granted to the Crown. They were, however, not long in taking advantage of their being assembled together to consult as to their condition, and see in what way they could improve it. Accordingly, although they voted money without much remonstrance during the reign of Edward I., his son was attacked by them systematically. In the

second year of the reign of Edward II., that is, in the year 1309, money was voted on "condition that the King should take advice and grant redress upon certain articles wherein they are aggrieved." "The good people of the kingdom," says the remonstrance, "who are come hither to Parliament, pray our Lord the King that he will, if it please him, have regard to his poor subjects, who are much aggrieved by reason that they are not governed as they should be; especially as to the articles of the Great Charter; and for this, if it please him, they pray remedy. Besides which they pray their Lord the King to hear what has long aggrieved his people, and still does so from day to day, on the part of those who call themselves his officers, and to amend it, if he pleases."

REDRESS OF GRIEVANCES. The grievances, it was said, were, that the King's purveyors seize great quantities of victuals without payment; that new customs are set on wine, cloth and other imports; that the current coin is not as good as formerly; that the steward and marshal enlarge their jurisdiction beyond measure to the oppression of the people; that the Commons find none to receive petitions addressed to the Council; that the collectors of the King's dues in towns and at fairs take more than is lawful; that men are delayed in their civil suits by writs of protection; that felons escape punishment by procuring charters of pardon; that the constables of the King's castles take cognizance of common pleas; and that the King's escheators oust men of lands held by good title, under a pretence of an inquest of their office. These grievances the King promised to redress, except in regard to the augmented customs on imports, respecting which he gave a conditional promise. They, however, do not appear to have been redressed, for they are repeated in subsequent petitions, coupled with complaints of tallages being exacted, without the consent of Parliament, and of arbitrary imprisonment contrary to the law. Remonstrances were continued from time to time with more or less effect, and in the succeeding reign of Edward III., three essential principles, which now regulate our present Government, became established. They were the illegality of raising

money without consent ; the necessity that the Commons, as well as the Lords, should concur in any alteration of the law ; and the right of the Commons to inquire into public abuses, and to impeach the King's councillors.

At this time there seems to have been no rule as to which towns should send members to Parliament, and there was great irregularity in the mode of summoning, the method of return and the number assembled. Improper returns were often made by the Sheriff, who, being subjected to Court or Baronial influence, sometimes omitted to send the writs to particular towns. As the writ of the Sheriff did not specify the town whence members were to be returned, but required him merely to send up representatives from all the cities and boroughs in his county, it was comparatively easy for him to omit any town whose former representatives had made themselves obnoxious to himself or the Sovereign.

A similar absence of rule is noticeable in the early composition of the House of Lords. Commoners of distinction were often summoned to one Parliament and omitted from the next. The names of such Commoners appear upon the rolls of Parliament without any Baronial title, yet it appears they voted and took part in the work of legislation.

A still more singular deviation from present custom was of frequent occurrence. Some burgesses regarded the exercise of the franchise as a hardship and petitioned to be excused from sending members to Parliament, because representation entailed expense, for at that time members were paid by those who returned them to Parliament.

The knights, citizens and burgesses representing the Commons at first had no legislative powers ; they simply voted money to the King, and gave advice to the Lords touching measures relating to trade and shipping. When the consent of the Commons was first deemed necessary to a change in the law, cannot be very certainly determined. This, like all other elements of our present constitution, was matter of growth. At first they simply gave advice when the King's councillors sought it ; next they petitioned for such amendment of the law as they thought necessary ; then their petitions

NO REGULAR
REPRE-
SENTATION.

gradually assumed the form of Bills, which being agreed to among themselves, were afterwards submitted to the Lords that they might be pressed upon the attention of the King. From these practices the transition to our present methods of Parliamentary procedure was natural, if, indeed, the two are not identical in principle. The practice of the King applying to the Commons for subsidies, and his councillors asking the Commons for advice concerning measures affecting their interests and the trade of the country, corresponds very closely with the present custom of Ministers applying to the Commons for supply, and of the Lords sending Bills to the Commons for their consideration.

In more recent times the changes in the Constitution of the several branches of the Legislature have been definitely marked, and the rights and privileges of each are now defined ; but as we examine the present constitution of the two chambers we shall see how little they differ in principle from the Parliaments of the thirteenth century.

COMPOSITION OF THE

HOUSE OF LORDS.

The House of Lords is composed of the nobility of the land, who are called Peers, or equals, and of the Archbishops and Bishops of England. The Peers are styled Lords Temporal, and the Archbishops and Bishops, Lords Spiritual. The Peers are divided into four classes, each of which holds a position in relation to Parliament different from that of the others. The first class is composed of Peers who sit in their own right, either as heirs to the dignity of the Peerage, or by virtue of having been created Peers by the Crown. The second class consists of sixteen Scotch Lords, elected by the Peers of Scotland, to represent them during the Parliament then called ; and the third class of twenty-eight Irish Lords, elected by the Peers of Ireland, to represent them for life in successive Parliaments. The fourth are life Peers. By an Act of the year 1876, three Lords of Appeal in Ordinary were constituted by Statute as Barons for life, with the right of sitting and voting as long as they continue in office.

This distinction between the different Peers arises from the changes which have occurred from time to time in the relations existing between England, Ireland and

Scotland. In former times, when the three portions of the United Kingdom each had its Parliament, the Peers of Scotland and Ireland sat in their own Houses of Lords, and when the Union was negotiated, an arrangement was come to by which the Peers of Scotland and the Peers of Ireland should be represented in the Parliament of the United Kingdom. It was accordingly agreed that the Scotch Peers should elect sixteen of their number for each Parliament, and only for the Parliament ; and when the Union with Ireland was negotiated, it was settled that the Peers of Ireland should elect twenty-eight of their number to represent them for life.

REPRE-
SENTATIVE
PEERS.

The same cause has given rise to a distinction between Peers who sit by right of their peerages. There are Peers of England who hold peerages created by the Crown before the year 1707, the date of the Union between England and Scotland ; Peers of Great Britain, who represented peerages created between the years 1707 and 1800, when Ireland was united to Great Britain ; and Peers of the United Kingdom, who sit in right of peerages created since the year 1800.

There are yet further distinctions which should be drawn between Peers in their relation to Parliament. Several Scotch and Irish Peers have succeeded to peerages, or have been created Peers, with the right to sit in Parliament ; and although they are commonly known by their Scotch or Irish title, they are not elected Peers, but sit in their own right as Peers of the Realm. The Duke of Argyll, for instance, formerly sat as Baron Sundridge, and the Earl of Longford sits as Lord Silchester in the peerage of the United Kingdom.

The question whether Scotch Peers could sit in the Commons representing constituencies of commoners has never yet been raised. Some Scotch Peers contend that their order does not do so because they do not wish to do anything which may be construed into an admission that they, being Peers, are rightfully excluded from the House of Lords in their own proper person.

Those Peers of Ireland who are not chosen to represent their body in Parliament may offer themselves as candidates to represent English or Scotch constituencies, but not Irish, in the House of Commons. There is one

IRISH
PEERS.

other difference between the peerage of Ireland and Scotland : Peers of Scotland are no longer created, so that in time the distinction between Scotch Peers and Peers of the United Kingdom may die out ; and the unsettled point above alluded to will die with it ; but for every three peerages of Ireland that become extinct, the Act of Union entitles the Crown to create one new peerage, and when the number of Irish Peers is reduced to 100, one new peerage may be created for every one that becomes extinct.

ORDER OF
PRE-
CEDENCE.

The Peers take precedence as Dukes, Marquises, Earls, Viscounts, and Barons. The title of Lord is common to all. But, although all Peers may be addressed by the title of "Lord," it must not be supposed that all persons who are styled "Lord" are Peers of Parliament, because the eldest sons of Dukes, Marquises and Earls sometimes bear by courtesy the inferior title conferred upon or inherited by their fathers, and are commonly known as Marquises, Earls, or Viscounts. For instance, the eldest son of the Duke of Buckingham is commonly styled the Marquis of Chandos. The younger sons of Dukes and Marquises, also, are styled by courtesy Lord John, or Lord Henry, as the case may be. But these titles confer no Parliamentary privileges, and those who bear them are commoners in the eye of the law, as are all subjects of the Crown, save Peers only.

THE
BISHOPS.

The Archbishops and Bishops of the Established Church of England and Wales sit and vote as Barons by virtue of their office as Spiritual Peers, with the exception of the Bishop of Sodor and Man, the last Bishop appointed, and those appointed to sees recently created by Act of Parliament. If, however, the last Bishop appointed, of the old creations, should be the Bishop of London, Durham, or Winchester, he takes his seat at once, and the Prelate last appointed before him continues to be excluded until a vacancy occurs in one of the other sees. The Archbishops of Canterbury and York are also excepted from this rule. The Bishop of Sodor and Man may sit in the House of Lords, but may not vote.

Peers who sit in Parliament by their own right, that is, the Peers of England, Great Britain and the United

Kingdom, take their seats on the assembling of Parliament as a matter of course, although in olden times they had no right to sit and vote in Parliament unless summoned by the writ of the Crown. The right of the Bishops to sit in the House of Peers is more obscure, but custom has sanctioned the title of English Bishops appointed to ancient sees to sit and vote in the House of Lords without question. Bishops, however, are regarded as Peers in no other respect. Not being "Ennobled in blood" they cannot, as Peers, claim to be tried by a jury of the House of Lords on being charged with any breach of the law. They, however, claim to sit on the trial of others until it comes to a question of the loss of life or limb, when they ask leave to withdraw in compliance with the canons of the Church, which forbid them to vote "in cases of blood."

The number of Peers composing the House of Lords is not fixed ; it amounts to about 540, but is liable to decrease by the death of Peers without heirs, and increase by the creation of new Peers. Peers who are minors or imbecile or bankrupt do not sit in the House of Lords. In former times, the Kings of England conferred the dignity of the peerage upon subjects as often from caprice or favouritism as from any other cause, but now the dignity is conferred by the Sovereign on the advice of the Ministers of the Crown, and is generally bestowed upon men who have done distinguished service to the State, either as politicians, men of letters, or lawyers, in scientific research or in commerce, or as great military or naval commanders. The House of Lords is thus composed of the most distinguished men in the country, or the descendants of those who, in their day, had made themselves famous, by rendering distinguished service to the State.

The Lord Chancellor, who is, as we have seen, a member of the Government, presides over the House of Lords, and when acting in this capacity he is styled the Speaker of the House of Lords. It is not necessary that he should be a Peer, but he is usually created a Peer on his appointment, and being so he has the right to join in debate and to vote in the same way as any other Peer, but he has no casting vote when upon a division

**SPEAKER OF
THE HOUSE
OF LORDS.**

the numbers are found to be equal. When the House is sitting upon ordinary occasions, the Lord Chancellor takes his place upon the Woolsack, wearing a full-bottom wig and a plain black silk gown.

THE WOOLSACK. The Woolsack may be described as a large ottoman, stuffed with wool. It is supposed that this was the kind of seat used by the president of the most ancient councils held in England, and that it was so used in order to remind the people of the importance of cultivating wool as an article of merchandise. This seat is not, technically speaking, in the House, so that when the Lord Chancellor, being a Peer, wishes to exercise his right to address the House, irrespective of his position as Lord Chancellor, he advances three steps forward. He puts all questions to the House upon which a vote has to be taken, but it is no part of his duty to keep order or control in the House, because the Peers do not acknowledge that anyone of their number is superior to the rest : they are all Peers or equals.

CHAIRMAN OF COMMITTEES. There is a Deputy Speaker in the House of Lords, who is also Chairman of Committees. He takes the place of the Lord Chancellor whenever the latter is absent, and if both are absent, any Peer may be nominated President for the time being, but it is customary for a few Peers to be nominated at the commencement of the session for this purpose. The title of "Speaker" comes from the fact that one of the duties of the Lord Chancellor as President of the House of Lords is to represent it and speak for it when it desires to address the Sovereign or any other person or persons.

BLACK ROD. There are several other officials connected with the House of Lords, the duties of whose offices will become more clear when we come to describe the Parliament in the actual conduct of business. In the first place, there is the Gentleman Usher of Black Rod, and his deputy the Yeoman Usher of Black Rod. These officers are the servants of the Crown appointed by the Sovereign to wait upon the House of Lords. When officiating they appear in Court dress and carry a black rod bearing upon its top a golden lion seated. Black Rod controls the approaches and galleries of the House, and the messengers and doorkeepers are directed by him. The

Sergeant-at-Arms is in like manner appointed by the Sovereign to wait upon the House of Lords. He stands behind the Lord Chancellor when the House is sitting, and carries the mace before him as he enters and leaves the House. The great seal is carried after the Lord Chancellor by the Deputy Sergeant-at-Arms, and both the mace and the great seal are placed upon the Wool-sack while the House sits.

SERGEANT-
AT-ARMS.

There are also three clerks appointed to sit at the table of the House. The chief is the Clerk of Parliaments, who calls on the business ; the second is his Deputy, who makes a record of what business is transacted ; and the third is the Reading Clerk and Clerk of Private Committees, who reads all documents required to be read in the House. The Clerk of Parliaments is also the medium of communication between the two Houses of Parliament.

THE CLERK
OF PARLIA-
MENTS.

The House of Commons is composed of the representatives of the third estate of the realm, the Commons, chosen according to law. It numbers 670 members, 271 of whom represent cities and boroughs, 13 groups of boroughs, 9 universities, and 377 counties. England and Wales send 495, Scotland 72, and Ireland 103. These members are chiefly composed of country gentlemen, members of the learned professions, and successful merchants and manufacturers who, either by their personal talents, social position, or wealth, have been able to inspire the electors of some portion of the country with confidence. There are a few representatives of the labouring classes who are maintained by those whose interests they are supposed to represent. Many of the members are the sons and heirs of Peers, and some are Peers of Ireland who have been returned by English constituencies. The Marquis of Hartington, now Duke of Devonshire, was an instance of the former ; the late Lord Palmerston was an instance of the latter. Unlike the House of Lords, the House of Commons consists entirely of these elected members. No one has a seat by prescriptive right, and none but those elected are allowed to enter the chamber on any pretext whatever, except a few appointed officers.

THE
COMMONS.

SUMMONING OF PARLIAMENT. The summoning of Parliament, which includes calling together those having seats in the House of Lords, as well as those who have been elected to represent the Commons, depends upon a resolution come to by The Cabinet. Let us suppose that there is no House of Commons in existence, and that The Cabinet resolve to advise the Crown to call Parliament together. The King immediately holds a Council, which is attended probably by two or three of The Cabinet, and an order is made by the King directing the Lord Chancellor to issue writs for the election of representatives to serve in the House of Commons. This is done forthwith. The writ names the day and place of meeting, and directs the returning officer in every city, borough and county in the kingdom to make arrangements for the election of representatives to serve in the Commons' House of Parliament. The returning officer in counties is generally the Sheriff of the county, and in cities and boroughs, the Mayor.

Upon receipt of the Lord Chancellor's writ, the returning officer issues a notice, fixing a day upon which the electors shall nominate their representative, and if upon that day more candidates are nominated than are required, the returning officer fixes a day upon which a poll of the electors shall be taken. Upon that day every elector who chooses attends at one of the places appointed, which are called "polling places," and there records his vote for the candidate he desires should represent him. In due time the returning officer adds up the number of votes polled by each candidate, and declares those having the largest number to be elected.

In most cases where the candidates outnumber the seats possessed by a borough or county, a number of canvassers go from house to house asking the electors to vote for the candidate they support, and urging reasons for doing so. Electors should not require this; they should make themselves acquainted with the qualifications of candidates without being canvassed, not only because the practice of canvassing leads to much unnecessary trouble, but because it tempts the uneducated elector to regard his power to vote as a piece

of property, which may be sold, rather than as imposing a duty to be discharged.

Some electors, although they would refuse a bribe in money for their vote, often seek to obtain some advantage to themselves or their friends in exchange for it. Promises of personal advantage, however, are as much bribes as payment in money, and equally dishonourable and contrary to the law, and those who are influenced in voting by motives of gain of any sort show themselves to be enemies to their country and undeserving of good government. So, also, those who seek to influence voters by improper means, by promises of advancement, or by threats of harm in the future, and those who use any means to hinder electors from voting freely, all do grievous harm to the country. Laws have accordingly been made from time to time to punish those who misconduct themselves in this way, and on each occasion the law has been amended the punishment has been made more severe.

CANVASSING
AND
BRIBERY.

Each elector should regard the vote he possesses as a trust, and remember that in voting he is bound to discharge that trust for the public good, that, in fact, he is as responsible to the country for the motives which influence him in giving his vote as any member of Parliament or any vote he may give in the House of Commons itself.

Formerly, nomination of candidates was made in public meeting, where the returning officer took a show of hands in which non-electors could participate ; but the disorder attending this form of nomination led to its abolition in 1872, when nomination was made a matter of business to be transacted quietly by a few persons in a room, from which were excluded all electors beyond the number necessary to propose the candidates. Up to 1872, it had been the custom for electors to declare openly at the polling-place for whom they voted, and for official and non-official records of the voting to be taken ; but in that year open voting at Parliamentary elections was abolished, and votes are now taken by ballot, so that no one but a voter may know, independently of his voluntary declaration, how he voted.

NOMINA-
TION.

THE BALLOT. It should be stated that, although as a rule the ballot is strictly secret, yet a record is taken of the vote of each candidate, and in the event of a scrutiny of the votes it can be demonstrated how each person voted. The process of discovery is easy, because the voting paper and its counterfoil are each stamped with a number, and the counterfoil, bearing the same number as the ballot paper, is inscribed with the name of the elector or his number on the register, so as to ensure that no more ballot papers are issued than there are electors.

But although the way in which an elector has voted is discoverable, the examination of the ballot papers for this purpose is never allowed except by an order of the Court enquiring into an alleged corrupt election following upon a petition to Parliament for the purpose.

DISQUALIFICATION.

Formerly, it was necessary that a man should possess a certain amount of property to qualify him to sit in Parliament, but now anyone may be a member of the House of Commons who can induce a constituency to return him, except an alien, a minor, one mentally imbecile, a peer, a clergyman of the Established Churches of England and Scotland, or a Priest of the Roman Catholic Church, a Judge of the Superior Courts and the County Courts, a government contractor other than a loan contractor, a bankrupt, and persons attainted of treason or felony, who are as dead in law. Up to the time of the passing of the Judicature Act in 1873, the Master of the Rolls alone among Judges of the Superior Courts could sit in the House of Commons ; but the holder of this office is now disqualified. Elected members who may be found guilty of felony after election, or who may have fled from justice, or be found guilty of conduct unbecoming the character of an officer and a gentleman, may be expelled from the House of Commons by vote. But inasmuch as attendance at the sittings of the House of Commons occupies a great deal of time, few who have to earn their livelihood can afford to accept the position, because members of the House of Commons do not receive any pay whatever from the State for any service they may render as members of Parliament either by sitting and voting in the House or

by sitting on Committees. Still the position is much coveted because of the social distinction it carries with it, and the influence in the State which it confers. The position also carries with it its peculiar temptations. The votes of members of the House of Commons are often anxiously solicited in respect of certain measures called "private bills," which are promoted by persons who hope to benefit by them. Such persons would be not unwilling to give money for a vote if they thought such a bribe would be accepted, and on this account it is held to be inexpedient that men of small means should to any great extent be induced to enter the House of Commons. Certainly, if we only think of what is desirable we should all agree that every member of Parliament should be a paragon of honour, be perfectly secure from the influence of all baser motives, and never give a vote in favour of any measure unless he believes it will confer good upon the country.

Not only has the property qualification of members of Parliament been abolished, but changes have been made from time to time in the descriptions of persons who are entitled to vote for members of Parliament, commonly called the electoral qualification, in the number and character of the places represented, commonly called the constituencies, and in the number of members each constituency should return. These changes constitute what is called the reform of Parliament, and are embodied in Reform Bills.

REFORM
BILLS.

The necessity for these reforms arises out of changes which are daily occurring throughout the country. Places which were once small villages, having no right to return a member, gradually grow into large towns; and large towns having that right lose their importance from some cause or another, and decrease in population. When this is found to be the case, the right to return the members is transferred from the decaying town to the flourishing community.

The right to return members of Parliament and the number of those members is generally determined by population, but although for the sake of convenience members are always returned from particular places, it should always be remembered that a properly constituted

House represents all the classes of the community, and indeed, the object of all reforms is to secure the representation of all classes. Just as the House of Lords represents the aristocracy and the clergy through the Peers and the Bishops, so the House of Commons should represent landowners, merchants, shipowners, manufacturers, lawyers, doctors and members of other learned professions, shopkeepers, mechanics and day labourers. The lower classes are, however, always more or less imperfectly represented, because, although the poor have votes and have power to withhold those votes from the sitting member at a future election should he displease them, the knowledge of this is not always sufficient to overrule the influence upon the member's mind of the class to which he himself belongs. And as the majority of the members of the House of Commons are wealthy, they have a tendency to side with the wealthy whenever the question at issue is a question of the rich as against the poor. This has given rise to the reproach that our Government, even in its most popular form, is a plutocracy, or a Government composed of the rich. The only way in which this can be corrected, and as, indeed, it is continually being corrected, is for the people to make themselves acquainted with their rights, to watch the proceedings of Parliament, to call their respective representatives to account from time to time, and in all other respects to exercise the powers conferred by the franchise. This matter is wholly in the hands of the electors themselves, and if every elector throughout the kingdom were to do this, and to vote for the man whom he believes in his heart will best serve his country, without regard to any other consideration whatever, either of hope of reward or fear of incurring displeasure, there would be no fear of legislation for the benefit of one class at the expense of another.

CHAPTER VII.

THE ASSEMBLING OF PARLIAMENT.

At the time appointed for the assembling of Parliament, certain Peers, generally numbering five, and including the Lord Chancellor, and some others associated with the Government, being Privy Councillors, appear in the House of Lords as Lords Commissioners. They wear the robes proper to their rank, and sit covered. The Lord Chancellor wears a three-cornered hat such as judges wear on State occasions, and the three other Commissioners wear cocked hats. They take their places on a form placed between the Throne and the Woolsack, and, so seated, represent the Sovereign. Perhaps there may be some other Peers present, but as the proceedings of the day are somewhat formal they would be few. Such as are present sit in the House itself, and not being there as Lords Commissioners they do not wear their robes. The Commissioners having taken their seats, the Lord Chancellor orders the Gentleman Usher of the Black Rod to summon the Commons to the Bar of the House of Lords. Black Rod goes upon his errand, and in the meantime the Lords Commissioners sit in silence.

WHEN
OPENED BY
ROYAL COM-
MISSION.

In the case of a new Parliament the Commons are discovered by Black Rod without a Speaker, conversing with one another, without regard to the ordinary rules of the House, because, at this time, the House has not been fully constituted. In the first place, they have no Speaker or President, and they have no power to proceed to business until they have leave to do so from the Sovereign.

But, although there is no Speaker on the assembling of a new Parliament, the officers are there, because they are appointed by the Crown. Chief among these is the Clerk to the House of Commons, who is appointed by letters patent, and with him his two deputies. They

sit in a row at the table, in front of the Speaker's chair ; and at the other end of the House, by the bar, sits the Sergeant-at-Arms, also appointed by the Crown specially to wait on the House of Commons. He has also two deputies, and a number of assistants.

It is the duty of the Clerk of the House to administer the oath to each member of the House upon his first presenting himself after election, whether in the case of a new Parliament, or in the case of a casual election, to fill a vacancy ; and in order that he may be properly informed as to who has been returned, the very first act done upon the assembling of a new Parliament is for the Clerk of the Crown in Chancery to deliver to the Clerk of the House of Commons a book containing the names of those returned. As soon as this is done neither the Lord Chancellor, nor the Sovereign, have anything to do with the composition of the House of Commons, except by direction of the House itself. From that moment it conducts its own affairs. The Crown has called it into being, and can dissolve it, but cannot interfere with its deliberations while Parliament is sitting.

The Sergeant-at-Arms is the officer who enforces the penalties imposed by the House on those of its own members who disobey it, or of citizens who offend it. He has to apprehend and keep in custody all persons committed by the House. He has to keep order, either by his own interference, or that of his subordinates, in the galleries, and the arrangements connected with the lobbies and approaches to the House are carried out under his direction. Either he or his deputy remains in the House throughout the sitting.

On arriving at the House of Commons, Black Rod informs the Clerk that the Commissioners desire the attendance of the Commons at the bar of the House of Lords to hear the Commission read. The members, accompanied by the Clerk, immediately go to the House of Lords, and upon their arrival, the Lord Chancellor informs them that as it was not convenient for the Sovereign to attend the House in person, he and others had been commissioned to act in His Majesty's stead. The Lord Chancellor then directs the Reading Clerk of

the House of Lords to read the Commission, which proves to be a very voluminous document engrossed on vellum. It has attached to it the great seal and bears the sign manual of the Sovereign ; it appoints the five Peers who form the Commission, and several others who do not happen to attend, always including the Archbishop of Canterbury, and Princes of the Blood Royal, being Peers, to act in behalf of the Sovereign in the matters named in the Commission, and prescribes particularly what powers the Commissioners are to exercise. As soon as the Commission has been read, the Lord Chancellor addresses the Commons in these words :—

“ His Majesty will, as soon as the members of both Houses shall be sworn, declare the causes of his calling this Parliament ; and it being necessary a Speaker of the House of Commons should be chosen first, we have it in command from His Majesty, that you, Gentlemen of the House of Commons, repair to the place where you are to sit, and then proceed to the appointment of some proper person to be your Speaker, and that you present such person whom you shall choose here to-morrow (at an hour stated, which would probably be two o'clock), for His Majesty's royal approbation.”

This ceremony being ended, the Commons return to their own Chamber.

CHAPTER VIII.

THE SPEAKER AND HIS OFFICE.

ELECTION
OF
SPEAKER.

It is customary before the actual election of the Speaker for the Prime Minister to take counsel with other prominent members of the House, as to the most desirable member for the office, and to arrange the programme of his nomination. The arrangement come to is privately communicated to the Clerk, who, sitting in his usual place in front of the Chair, points to the member who is about to nominate the Speaker, and in this way calls upon him to address the House, without mentioning his name. The member rises and formally moves that Mr. ——— be chosen Speaker, and he prefaces his motion by stating the qualification his nominee possesses for the office. The motion being seconded, it is put to the House by the Clerk, and is usually carried unanimously. The Speaker-Elect then acknowledges the honour done him, and is conducted to the chair by his mover and seconder. Upon taking his seat the Sergeant-at-Arms approaches the table of the House, and places the mace upon the table, an act which signifies that the House is “made.” But the Speaker is not yet fully appointed, for his election must be approved by the Crown.

DUTIES
OF THE
SPEAKER.

The duties of the Speaker are varied and onerous. He is the spokesman of the House of Commons in all its dealings with others. He has to manage in the name of the House when counsel, witnesses or prisoners appear at the bar; to reprimand those who have incurred the displeasure of the House, and to offer the thanks of the House to those whom it may desire so to distinguish. When witnesses are wanted he summons them and can compel their attendance. Whenever a vacancy occurs, the Speaker, in accordance with a resolution of the House, issues the writ for the election of a new member, and when the House is not in session he directs the writs to be issued on his own authority.

When a member of the House of Commons succeeds to a Peerage, for instance, the Speaker obtains cognizance of the vacancy from the Crown Office and orders a writ to be issued as a matter of course ; and on being informed of the death of a member by two others he does the same. His ordinary duty is to preside at the debates of the House of Commons, and regulate them according to the rules of the House. Should a member persevere in breaches of order, the Speaker may " name " him as it is called, a course uniformly followed by the censure of the House. In extreme cases the Speaker may order a member or other person into the custody of the Sergeant-at-Arms, who holds him prisoner until the pleasure of the House be signified. If the House take no action respecting such committals, the prisoner is liberated at the close of the session, for the House has no power to retain anyone in custody after Parliament has been prorogued by the Crown.

Some of the duties of the Speaker as President of the House of Commons will be more properly described when we come to the proceedings in Parliament, but sufficient has been said here to show that the nature of his duties requires that he should possess many qualities rarely found combined in one man. As controller of the House when in debate, and interpreter of the rules of the House, he must be sound in his judgment and quick in forming an opinion ; he must be patient, and not hold the rein too tightly. As President of the first deliberative assembly in the world, he must maintain the dignity of his position with courtesy ; he must be firm, but not overbearing ; and as it is in the power of the House to review his decisions, he must be above all things accurate and impartial, because a reversal of his ruling by the House would greatly diminish his influence and imperil the decorum of the House itself.

But the Speaker is not only President of the House of Commons and its mouthpiece ; he also occupies a great constitutional position as the representative of the Commons of the United Kingdom before the King. Armed with the authority of the House of Commons, he can assert the rights of the Commons before the Sovereign and claim the free exercise of their privileges.

The ceremony of approving the nomination of the Speaker-Elect is signified by the Sovereign in person or by Commission. If by Commission, which is usually the case, the Lords Commissioners take their places in the same way as before described, and send for the Commons as before. In the Commons the Speaker-Elect occupies the chair, attired in a Court dress, and what is known as a bobwig, when the doorkeeper suddenly announces the approach of the Gentleman Usher of the Black Rod, by calling with a loud voice, "Black Rod." The doors of the House are immediately closed, as they would be in the face of the Sovereign, if he presented himself during the deliberations of the House. Finding the doors closed, Black Rod knocks thrice, and upon the Sergeant-at-Arms opening a little wicket in the door, he states that he has a message from the Sovereign, or the Royal Commissioners, as the case may be. He is then admitted, and advances, bowing three times, amid the silence of the members, to the table of the House. Holding up his rod of office, he states that he has come in obedience to the commands of the Sovereign to request "the attendance of this Honourable House in the House of Peers." Upon this the Speaker-Elect rises and proceeds to the bar of the House of Lords, accompanied by such members as happen to be present and choose to go. Arrived there, he and the Commons hear the Commission read, endowing the Commissioners with the Royal authority, and then he addresses the Lords Commissioners as follows: —

"In obedience to His Majesty's commands, His Majesty's faithful Commons, in the exercise of their undoubted right and privilege, have proceeded to the election of a Speaker, and, as the object of their choice, he now presents himself at your bar, and submit himself with all humility to His Majesty's gracious approbation." In reply the Lord Chancellor assures him that His Majesty most fully approves and confirms him as Speaker; whereupon he lays "claim, on behalf of the Commons, by humble petition to His Majesty, to all their ancient and undoubted rights and privileges." These being confirmed, the Speaker retires from the bar of the House of Lords, and returns to the House of Commons.

CHAPTER IX.—PROCEEDINGS IN PARLIAMENT.

PERHAPS three or four days may elapse after the assembling of Parliament before it has authority from the Crown to proceed to the despatch of business. This interval is occupied by the ceremony of each member taking the oath and inscribing his name upon the roll of members. In the House of Lords, the Lord Chancellor is the first to write his name upon the roll, and in the House of Commons the Speaker. Formerly this oath was of such a character that Jews and others could not conscientiously subscribe to it, but within the last few years it has been made more simple and amounts to a promise to maintain the Constitution. This oath is taken by Peers and by every member of the House of Commons before he can vote except in the case of the election of Speaker. Upon the assembling of a new Parliament as many as twenty members take the oath at one time, but when Parliament is in session a new member is conducted to the table between two other members, that he may be the better known to the House, and he bows as they go up. New Peers also are introduced by two others, all three wearing their robes.

SWEARING
IN.

Upon the day appointed for the Sovereign to announce the causes for calling the Parliament together, most of the members of both Houses have probably taken the oath and subscribed their names upon the roll, and the Sovereign's appearance in the House of Lords to give authority to Parliament to proceed to business may be taken as the actual beginning of the session. The Sovereign may deliver the speech in person or by Commission, and as we have described the ceremony of the King appearing by Commission, and in that manner communicating with Parliament, it will be well now to describe this, the more important ceremony, as being conducted by the Sovereign in person.

THE KING'S
SPEECH,

It seldom happens that the King appears more than once in a session in Parliament in person, but Queen

Anne one year gave authority to the Commons to elect a Speaker, approved in person the choice made, and attended a third time in person to deliver the Speech.

When the Sovereign enters the House, the Peers rise in a body, and remain standing until desired by His Majesty to sit. The King sits upon the Throne at the upper end of the House, crowned and robed, with members of the Royal Family appropriately disposed in the neighbourhood of the Throne. The great Officers of the Household who have to do with ceremonies, and other Ministers of the Crown, also, have their places. The Peers, wearing their robes and coronets, sit in the order of their rank : the Dukes in the front, then the Marquises, then the Earls, then the Viscounts, and lastly, the Barons. The Bishops, if they attend, wear their baronial robes instead of their gowns, as they invariably do upon ordinary occasions. Peeresses, in full dress, sit on the back benches, and the galleries are filled with ladies. The space round about the bar, which is at the end of the House, opposite the Throne, is kept clear for the Commons. As soon as everyone is disposed in his proper place, the King commands the Gentleman Usher of the Black Rod, through the Lord Great Chamberlain, to let the Commons know, "It is His Majesty's pleasure they attend him immediately in this House." The Usher of the Black Rod goes upon his errand and upon being admitted to the House of Commons, he approaches the table and says :—

"Mr. Speaker, the King commands this Honourable House to attend His Majesty in the House of Peers."

On withdrawing, he walks backwards, bowing as he goes, nor does he turn his back upon the House until he reaches the bar, where he awaits the approach of the Speaker. The Speaker, in his passage from the House of Commons to the House of Lords, which, in the present Palace at Westminster, is a straight line from door to door, across the central lobby of the building, is preceded by the Gentleman Usher of the Black Rod, and by the Sergeant-at-Arms of the House of Commons, bearing the Mace. The leader of the House and its principal members generally follow next in the rear of the Speaker's train-bearer, but this is only by courtesy,

for there is a rule by which it is ordered that members proceed after the Speaker in ranks of four, according to the order in which their names are drawn from a glass. This rule, however, is seldom carried out, and the members generally proceed in ranks of four-a-breast, as they happen to fall in. The Speaker takes his place at the bar, with Black Rod on one side and the Sergeant-at-Arms on the other, and the members crowded round about him ; and when they have taken up their places, the Lord Chancellor, kneeling on one knee, hands the Royal Speech, which has been prepared in the Cabinet, to the Sovereign. On some occasions the Lord Chancellor has read the Speech, notwithstanding the Sovereign has been present ; but this is not often the case.

The Royal Speech generally recites the relations subsisting between this and foreign countries, the necessities of the State as regards money, and the measures the Ministers propose to submit for the consideration of Parliament. As soon as it has been read, the Sovereign retires, and the two Houses may proceed to business. Generally speaking, however, the Lords adjourn for a few hours, and the Commons, upon retiring to their House, do the same.

Both Houses re-assemble at the usual time, the Commons at three, and the Lords at four, each in their respective Chamber, without reference to the other. They meet to discuss the Royal Speech, and to prepare an Address in reply, but before this is done, it is the practice of both Houses to read some Bill a first time, in order to assert their right to deliberate without reference to the immediate cause of their being summoned as described in the King's Speech. After this has been done in the House of Commons, the Speaker reports that he has attended, in obedience to a summons from the Sovereign, at the bar of the House of Lords, where the King made a Speech ; and he adds that for greater accuracy he has obtained a copy of the Speech, which he thereupon proceeds to read.

The Royal Speech is then taken into consideration by the House, and an Address in reply, which, in substance is usually a repetition of the Speech itself, is moved and seconded by two supporters of the Government.

THE
ADDRESS.

Although this reply is addressed to the Crown, and refers only to the Speech, the discussion upon it is the occasion of a general review of the proceedings of the Ministers of State during the interval between the last occasion upon which Parliament was in session, commonly known as the recess. If the acts of the Ministers, during the time Parliament has not been sitting, are approved by the people as represented in the House of Commons, the Address in reply, as far as that House is concerned, is adopted in the form proposed by the Government's supporters. If, on the other hand, those acts are disapproved, an amendment is moved against the Government. This amendment would come from what is called the Opposition, which is chiefly composed of the supporters of those who at some previous time have acted as Ministers of the Crown, and who uniformly hold opinions radically different from those acted upon by the Government then in office. The amendment would be called a Motion of Want of Confidence, and, if carried, all the Ministers would resign their offices into the hands of the Sovereign for the reasons already described in the chapter on "The Responsibility of Ministers."

Precisely the same order of business is followed in the House of Lords, but the result is not necessarily the same in both cases. Indeed, it often happens that resolutions directly contrary are come to and, in such an event, it becomes the duty of the Government to consider which resolution most accurately represents the feeling of the country, and to act upon that without reference to the other.

As early as possible after the Address in reply to the Royal Speech has been agreed on, members of the Government introduce the several measures they wish to submit for the consideration of Parliament, which have been referred to in the Speech from the Throne. For instance, the Secretary of State for the Colonies, who may happen to be a member of the House of Lords, will, perhaps, submit a measure in that House for making some alteration in the Government of Jamaica; the Secretary of State for India, also a Peer, probably, may propose some measure for the better government of

India ; and the Lord Chancellor may submit a Bill for the better administration of the law. In the Commons the Home Secretary may propose a change in the laws relating to the building of houses, or the employment of children in factories; the President of the Board of Trade may recommend an alteration in the laws relating to shipping ; and the President of the Local Government Board may propose a change in the Poor Law.

Every measure must be read a first, a second, and a third time in both Houses, and be considered in accordance with certain fixed rules, and as a description of the course adopted with regard to one Bill will give an idea of the process through which every Bill has to pass, we will take the Home Secretary's Bill as an example.

In the first place then, the Home Secretary, being a member of the House of Commons, would be called upon by the Speaker in the order in which his name appears on the " Orders of the day," or programme of the day's proceedings, and he will rise in his place and move for leave to introduce a Bill for the amendment of the law relating to the employment of women and young persons in factories. Perhaps he would explain the object of the Bill, and he might also describe the more important of its provisions ; but this is not always done, and, generally speaking, leave is given to introduce the Bill without comment. In cases, however, where the Bill is of great importance, all its provisions, as well as the object sought to be attained by it, are elaborately explained to the House on its introduction.

The motion for leave to introduce the Bill having been agreed to without a division, for it is seldom the House refuses this, the Home Secretary, at the close of the sitting, appears at the bar of the House, holding the Bill in his hand. Upon being called on by the Speaker, he announces that he has " a Bill," whereupon the Speaker orders it to be brought in, and, on its title being read by the Clerk at the table, the question that it be read a first time is formally put from the Chair, and this motion is generally agreed to without either comment or division.

INTRODUC-
ING A BILL.

INTRODUC-
TION OF A
BILL.

SECOND
READING.

In the course of a week or two, or as soon as an opportunity can be secured, the Home Secretary will move that the Bill be read a second time. At this stage the House considers the principle of the Bill, without much regard to its details ; and in all cases, when the House reads a Bill a second time it is understood that it accepts the principle only, without being pledged to any of its clauses. Accordingly, upon this motion being made, the members thoroughly discuss the principle involved ; every member has a right to express his opinion upon the principle, and to give his reasons for that opinion ; he may also suggest alteration in the Bill, although no one can speak more than once, except the mover of the original motion, who has the right to reply to all that has been said in argument against his proposal.

READ THIS
DAY SIX
MONTHS.

If any member objects to the principle of the Bill altogether, he may move that it be read a second time upon that day six months, which is equivalent to moving its rejection, because, when that day six months arrives, the House will probably have been prorogued. Let us suppose that this amendment is moved by a member who thinks that further interference with factories is undesirable. The discussion will then be continued upon that question, and if many wish to speak upon it, the debate may be adjourned until the next sitting, and the next sitting, and the next, and be continued for as many nights in succession as may seem desirable to the House.

Up to recent times the House had no ruling limiting the length of any debate, the number of speakers, or the length of their speeches. All this was left to the members' sense of propriety alone, and although it sometimes happened upon occasions which excited great interest in the country, that disputes arose as to whether a debate should be prolonged or not; and although they were sometimes prolonged to unnecessary length, the freedom accorded as a rule was very good, because it could then never be said that any question had been decided without the representatives of the nation having had opportunity for discussing it fully, if they choose to do so.

It has happened, however, within recent years that this agreeable freedom could not be continued on account of its being abused by some members who were desirous of preventing the House of Commons doing any business whatever unless it enacted some one particular thing which the minority desired and the majority refused. The power given by this freedom to a minority was used to extend the sittings of the House throughout the night until "obstruction" as it is now called, became a national scandal. New rules were accordingly made forbidding the carrying on of opposed business after midnight, unless by the special resolution of the House, and also for enabling the House to resolve that the question under consideration be determined by a division without permitting any further discussion upon it. This is called the Closure, and whenever it is moved the division upon it is taken without debate, but it can never be put to the House unless the Speaker is of opinion that the debate has been carried beyond reasonable limits, and in practice the Speaker has frequently declined to put the motion. It must be remembered, however, that "the twelve o'clock rule" "the closure" and other similar practices recently introduced into the procedure of the House of Commons, form no permanent part of the Constitution of the country, and are merely "orders" made by the House for the session. They may be varied or cancelled at any time upon the motion of any member, and are from time to time increased in rigour, or altogether suspended when occasion, in the opinion of the majority of the members, requires it.

THE
CLOSURE.

In putting a question to the House, the Speaker proceeds in accordance with certain well-established rules, which enable the House to express its opinion upon almost every conceivable aspect of a question. The Speaker first of all says, "The original motion was, 'That this Bill be now read a second time,' since which it has been moved, that we leave out all the words after the word 'That,' in order to insert these words: 'the Bill be read a second time this day six months.' The question I have to put," continues the Speaker, "is that the words proposed to be left out stand part of the question." In this the Speaker goes no further than to

PUTTING
THE
QUESTION.

ask the House in what form the question shall be put to it. Having put the question, "That the words proposed to be left out stand part of the question," the Speaker adds : "As many as are of that opinion say 'Aye.'" Immediately all the members who are of that opinion shout "Aye." The Speaker, still standing, then says, "As many as are of the contrary opinion say 'No,'" and immediately all those of the contrary opinion shout "No."

Generally speaking, the volume of sound comprised in the uttering of one hundred Noes is greater than the volume of sound comprised in the uttering of one hundred Ayes, because "No" is a syllable more easily pronounced. The Speaker, making due allowance for this, will estimate which sounded the greater number, and having made up his mind, will give his decision in these words : "I think the Ayes have it," or "I think the Noes have it," as the case may be. If the sounds appear to him to be equal, and he cannot make up his mind which prevails, he may put the question again, but this is seldom done. Upon announcing his decision, which, let us suppose, is in favour of the "Ayes," any member who has said "No" to the question, may challenge that decision by calling out, "I think the Noes have it." If the Speaker think it is not intended to divide upon the question, he may say again, "I think the Ayes have it," but any opposing member may repeat, "I think the Noes have it," and upon this the Speaker would say "Strangers must withdraw."

DIVISIONS.

Immediately these words are uttered, the Clerk at the table turns a sand-glass, which runs out in two minutes ; the Sergeant-at-Arms opens wide the doors of the House ; and every person, not a member, who may happen to be in the lobby, outside the door, is ordered to withdraw ; bells are set ringing by means of electricity, in every part of that half of the building in which the House of Commons is situated, so that no matter where a member may be, as long as he is in the building, he is informed that a division has been called, and that if he should desire to take part in it, he must immediately hasten to the House. He will have no difficulty in doing this, for all the approaches to the door of the Chamber are

kept clear by the police when the division bell rings, and if, as sometimes happens, the division is called when very few members are in the House, the chamber will be quickly crowded by members from the dining-room, the library, the committee-rooms perhaps, or any of the numerous offices connected with the House.

As soon as the sands have run out of the glass, the Speaker cries, "Order, order," and the Sergeant-at-Arms closes the door and locks it so that none can enter or leave the chamber until the division is over. The Speaker then puts the question again and finally. The same form is observed for putting the question at this time as before the sand-glass was turned, except that upon the Speaker's decision being challenged, he cries, "The Ayes to the right and the Noes to the left. Tellers for the Ayes Mr. A. and Mr. B. ; tellers for the Noes Mr. X and Mr. Y." The tellers are usually the two junior Lords of the Treasury on the part of the Government, or "Ayes," and the mover and seconder of the amendment on the part of the "Noes."

TELLERS.

All those who called "Aye" then pass by the Speaker's chair on his right hand, and go into a lobby at the side of the House ; the "Noes" walk to the other end of the House, and passing out by the bar turn to the left and go into the opposite lobby. When they have all passed in, and the House is pronounced clear, the doors of the lobbies are locked, so that none can return to the House without passing through the lobby. The "Ayes" therefore, who entered the lobby by the Speaker's chair, re-enter the House by the bar, and the "Noes" who entered the lobby by the bar, re-enter the House by the Speaker's chair.

In their passage through the lobby they come to a desk by which only one member can pass at a time, and at this desk stands a clerk with a list of the members' names before him ranged alphabetically. As each member passes, the clerk makes a mark against his name, and these names are published with the minutes of proceedings next morning. Having passed the clerk at the desk, the member meets the tellers at the door ; Mr. A. for his own side, and Mr. X. for the opposite side, both of whom count aloud as each member passes into

the House. As soon as the members have passed out of a lobby, the tellers for that side go to the assistant-clerk at the table and tell him the number. He writes it down upon a piece of paper prepared for the purpose and waits for the tellers upon the other side. Upon their giving him their number, he writes it down in a like manner, and then hands the paper to the chief teller of the side that has won.

Let us suppose the "Ayes" have won, and that he gives the paper to Mr. A. By this time it is known that the Home Secretary's Bill has been approved by the House, and that it is the wish of the House that the question be put. Mr. A. then holding the paper in his hand, with Mr. B. upon his left and Mr. X. and Mr. Y. standing next Mr. B., advances to the table, and all four having bowed to the chair, Mr. A. announces with a loud voice that "the Ayes to the right were (let us say), one hundred and forty-seven, and the Noes to the left were one hundred and two." The paper is then handed to the Speaker, and the tellers bow and retire; the Speaker again announces the numbers from the chair, as the tellers had done, and adds, "The Ayes have it."

Thus far the House has divided only on the question, as to whether the original question proposed shall be put or not, and it has decided that the question shall be put, and the Speaker accordingly puts the question, "That the Bill be now read a second time." He adds, "As many as are of that opinion say Aye; as many as are of a contrary opinion say No. The Ayes have it," and there being no challenge he repeats, "The Ayes have it." This part of the business is generally conducted in the course of a hubbub of conversation, and few take any notice of it, but it has happened that a second division has been demanded on the actual question instead of permitting it to be taken for granted that the members voting that the question be put are necessarily the same as those who approve of the motion.

The result of this second declaration is that the Bill is regarded as having been read a second time. In former times the Bill was actually read in the House, but now every member is provided with a copy before

the motion is made that it be read a second time, and he is supposed to have made himself acquainted with its contents. The reading of a Bill a second time signifies that the principle is approved by the House.

If, however, the Noes had prevailed, the Speaker would not put the original question, "That the Bill be now read a second time," because the majority of the House would in that case have said "No" to the proposition that these words proposed to be left out stand part of the question, and "Yes" to the proposal that the amendment be added instead of those original words. The amendment would therefore become a substantive motion, and the Speaker supplying the words of the amendment in the place where the words had been struck out of the original motion, would put the question "That this Bill be read a second time upon this day six months." Generally speaking, this motion would be carried without more discussion, upon the presumption that all who voted "Aye" in the last division would vote "No" in this and *vice-versâ*, and the Bill would be lost for the session.

Many Bills disposed of in this way are introduced year after year by members who feel convinced they will ultimately prevail; but they cannot be introduced twice in the same session, nor can any motion be made similar in effect to a motion which has been negatived during the session. The amendment that the Bill be read "upon this day six months" is the amendment which is moved when the Bill is altogether objected to as unnecessary or unwise but there are several less direct ways in which the rejection of a Bill may be brought about. It may happen, and very often does happen, that a member may object to the Bill and yet wish something to be done in the matter with which the Bill deals. In the supposed case here being described he might desire to do something for the good of the children who work in the factories. He might think them very young to work hard all day and very helpless, but might wish to help them in a way different from that proposed by the Bill. In such a case he can stop the passage of the Bill by a motion that instead of reading it a second time, an address should be sent to

ROYAL
COMMISSION.

the Crown praying that a Royal Commission should be issued to make enquiry upon the subject to see whether any further legislation was necessary, and if so, of what kind it should be. This amendment would be dealt with in precisely the same way as the other. But perhaps a disposition might exist on the part of some members to avoid expressing an opinion on the Bill, and in that case a member might move what is known as "the previous question," which is, "That this question be now put." To say "No" to this is tantamount to saying, "I applaud your object and your motive; but it is best we should not press the point at present."

THE
PREVIOUS
QUESTION.

The Bill having been read a second time, the next thing would be to consider it in detail, and that is usually done in Committee of the whole House. The motion made by the Home Secretary, who still has charge of the Bill, is "That the Speaker do now leave the chair." This motion may be met by amendment, a debate may be raised upon it and protracted to any length the House may see fit, and the question may be decided by a division in the same way as upon the motion for the second reading. The most common amendment moved is, "That the Speaker do leave the chair upon this day six months," which, of course, means that the House do not go into Committee at all; and, if carried, the Bill would be lost, although it had been read a second time.

COMMITTEE.

If the House resolve to go into Committee on the Bill, the Speaker leaves the chair, and the Sergeant-at-Arms places the mace under the table; the Chairman of Committees sits at the table in the chair usually occupied by the clerk, and the Speaker either sits in the House or retires as he may feel disposed. The Bill is then discussed clause by clause and even word by word.

The clauses of a Bill are prefaced by a preamble which recites the necessity for legislation upon the subject with which the Bill deals, and as the wording of this preamble generally depends upon the wording of the clauses it is invariably postponed until the whole of the clauses have been settled. Consequently, the first question the Chairman of Committees puts is "That

the preamble be postponed." This being agreed to, he calls " Clause 1," and any member who objects to it may rise in his place and suggest that some words be left out in order that others may be substituted. The question is discussed and divisions taken in the same way as ordinary motions are disposed of by the House, except that in Committee members may speak any number of times. The speeches, however, are usually short, and except upon any very important occasions proceedings in Committee are made up of conversations.

Some Bills are disposed of in Committee of the whole House in five minutes ; others occupy several sittings. When a Committee is unable to go through a Bill in the course of a single sitting, it orders the Chairman to report the progress made with it to the Speaker, and to ask leave to sit again. When the Bill has been gone through and settled to the satisfaction of the members, the Chairman reports to the Speaker, and a convenient day is named for the House to consider the measure as amended by the Committee.

Sometimes it is thought more convenient not to consider a Bill in Committee of the whole House, but to refer it to a Select Committee. This is usually done in cases where the subject treated of is technical and understood by only a few members, and might very properly be done in the case of a measure dealing with workpeople in factories. A Select Committee is formed of a few members selected from the whole House, who are appointed to assemble in a Committee room during the daytime, and have in certain cases power to send for and examine witnesses upon oath concerning the matters dealt with in the Bill referred to them. They appoint a chairman from among themselves, and conduct their business in all respects in a manner similar to the course adopted in a Committee of the whole House.

SELECT
COMMITTEE.

When the report of the Committee which amended the Bill is being considered by the House, the Bill may be still further amended, after which it is ordered to be read a third time ; but on the motion that it be read a third time it may be again debated at length and opposed in just the same way as upon the motion being

THIRD
READING.

made that it be read a second time. After it has been read a third time, the motion is made that the Bill do pass, upon which it may be still further amended, if need be, and then, when no further amendments are moved the Bill is passed and transferred to the House of Lords.

A Peer has no need to ask leave to introduce a Bill to the House of Lords ; he has the right to do so, and when he lays a Bill upon the table it is invariably read a first time without opposition. This Bill, the course of which we are following, might have been introduced in the House of Lords in the first instance, where, except in respect of the manner of its introduction, it would follow the same course as in the House of Commons. And the fact that it has come from the House of Commons makes no difference in the mode of treating it. It must be read a first, a second and a third time, and the Peers may reject it altogether or amend it both in Committee and after it has been read a third time. When it has passed through all these stages it is sent back to the House of Commons, if any amendments have been made in it, that those amendments may be considered by the Lower House.

CONSIDERA-
TION OF
AMENDMENTS

Upon regaining possession of the Bill, the House of Commons can consider it only as regards the amendments which have been made in it by the House of Lords ; it may decline to accede to the amendments, or it may still further amend them ; but it cannot review the whole Bill. If it should decline to accede to the amendments or any of them, it states its reasons for so doing, or asks for a conference between the two Houses. In the former case the Lords consider the reasons and agree to them or not, as they see fit ; if the latter course is decided on, certain members of both Houses are appointed to confer upon the point, but this latter course has fallen into disuse. The Peers at a conference remain covered while the Commons are required to uncover, and other formalities are observed upon such occasions which are distasteful to members of the Lower House. In cases where the Lords' amendments are amended only, and are not wholly objected to, the Bill goes back to the House of Lords

where these fresh amendments only are considered, and so a Bill may go backward and forward many times before it is ultimately agreed on. If no perfect agreement can be come to, if, for instance, the Lords require something inserted in the Bill which the Commons will not admit, the Bill is lost, and cannot go forward for the Royal Assent.

From this it will be seen that a Bill passes through no less than eight ordinary stages in the House of Commons and seven in the House of Lords, and that its progress may be arrested at each of these by any member who chooses to interest himself in the matter, so that if it should not leave the hands of the Legislature perfect it is not from want of opportunity, but rather from want of attention on the part of those who have accepted the office of legislators.

The peculiarity of the House of Commons is that it is wholly subject to the will of the people; the peculiarity of the House of Lords is that it is almost wholly independent of the people. If both Houses were subject to the will of the people, that is, if both were elected, they would be both influenced by similar motives; and anxiety to conciliate the electors might lead to the passing of measures without sufficient consideration. If, on the other hand, the members of both Houses were entirely independent of the people for their position as legislators, they would have too little regard for the wishes of the people, to whom much would be denied that they are justly entitled to. But, although the Lords may be said to be independent of the will of the people for their position as legislators they cannot be said, in these days, to be independent of or insensible to, public opinion. Their exalted position keeps them constantly in view, and the most trivial public actions are minutely scanned and openly criticised. In these circumstances it may be said that by the present constitution of Parliament, the just balance is attained, for while, on the one hand, the Commons cannot press measures forward rashly, the Lords, on the other hand, are unable to resist a strong representation of the wishes of the people, as expressed by their representatives in Parliament, and by the people themselves, in public meeting.

PUBLIC
OPINION.

LORDS MAY
VOTE BY
PROXY.

There are some slight differences in the mode of procedure in the two Houses. Peers can vote by proxy, for instance, and by this means a Peer, who does not attend in the House while the question is being debated, may authorise another to vote in his stead. No Peer, however, can represent more than two other Peers in this way, and a Bishop can hold only a Bishop's proxy. Proxies are not allowed to count on divisions taken in Committee, because no one can foretell upon what point the Committee may divide, and because a vote in Committee should be given upon the basis of the discussion which preceded it. A Peer, in giving a proxy to another, may limit the use of it to a particular question.

Some suppose that this right of the Lords to vote by proxy has been abolished, but this is not the case. No proxy has been used, however, since a standing order was agreed upon on the 31st of March, 1868, prescribing that proxies shall not be called on a division except by special resolution of the House agreed to after two days' notice.

PAIRING.

Although members of the House of Commons cannot vote by proxy, they can pair. This practice is common to both Houses, and amounts to a private arrangement between members of opposite opinions. If a member in favour of a motion desires to be elsewhere when the House divides upon it he may pair with another, who is opposed to the motion, and also desires to be relieved from the obligation to attend. In this way neither side loses a vote, because the one absentee neutralises the other.

Members returned to the House of Commons are bound, strictly speaking, to attend, nor may they presume to absent themselves from the sittings of the House, without leave. Upon a sufficient reason being given, leave of absence will be granted by a resolution of the House, and among other reasons held to be sufficient may be mentioned attendance at assizes, or illness of a near relation. Sometimes members who have absented themselves, although nominated to serve upon a Committee have been arrested by the Sergeant-at-Arms, upon the warrant of the Speaker, and have been required to apologise before being released.

If the attendance of members should become very lax, or a matter of great importance is about to be discussed, respecting which it is thought proper that every member should bear part of the responsibility of deciding upon it, any member may move for a call of the House. A week or ten days must intervene between the order being made to call the House over and the day upon which the call is made, and upon that day the order is read, and acted on, or not, as the House may choose. The counties are first called, in alphabetical order, and then the boroughs; the members have to answer as they are called, and if they fail to attend they are summoned by the Speaker. A call of the House, however, is now seldom ordered, because the attendance in Parliament is generally good, and because, although members may be compelled to attend, they cannot be compelled to vote.

A CALL
OF THE
HOUSE.

Theoretically, a member of the House of Commons cannot resign his trust; having been once returned he is bound to serve. If, however, he accepts office under the Crown, he vacates his seat as a matter of course, and when a member desires to retire from serving in the House of Commons, it is customary for him to apply to the Crown for office. His request is always granted, and the office of Stewardship of the Chiltern Hundreds, or of the Manor of Northstead, or of the Escheator of Munster is conferred upon him. These offices have neither duties nor salaries attached to them, and a person appointed usually resigns the post after a week or two, so that it may be at the service of any other who desires to retire from his position as member of the House of Commons.

VACATION
OF SEATS.

When the question is put to the vote by the Lord Chancellor, the Peers do not say "Aye," and "No," as do the Commons, but "Content" and "Not Content." Peers do not address the Lord Chancellor as the members of the Lower House address the Speaker. Peers commence with the words, "My lords," and refer to the House as "Your lordships." Members of the House of Commons, however, always address the Chair, as it is termed, commencing with the words "Mr. Speaker." The House of Lords may transact

QUORUM. business when only three Peers are present, nor is it necessary that one of these should be the Lord Chancellor ; but the House of Commons is governed by certain rules which place it in the power of any single member to ensure that business shall not be transacted unless forty members are present.

These rules are very strictly observed and ensure good attendance. At a quarter of an hour before the time appointed for beginning business, prayers are said by the Speaker's Chaplain. During this ceremony the Speaker sits in the Clerk's chair at the table. If, when prayers are over, there are not forty members present, the Speaker does not take the chair ; and no member is permitted to leave the chamber until a House is made by the attendance of forty members.

If at the hour appointed for meeting the Speaker counts the members present, and finds they do not number forty, he declares that there is " No House," and the House stands adjourned until the next day. As soon as he finds there are forty present he takes the chair, and the House being made by his doing so, business may be proceeded with. Those present are no longer detained, and it sometimes happens that almost the whole of the forty withdraw immediately the House is made.

COUNT OUT. If, during the sitting, there is a very scanty attendance, a member may call the attention of the Speaker to the fact that forty members are not present, upon which business is immediately suspended, the member who was addressing the House resumes his seat, and the sand glass is turned. Upon the sand having run out, the Speaker rises and counts those present. If he can count forty, including himself, he resumes his seat, and business is proceeded with; if not, he leaves the chair, and the House stands adjourned until the next day upon which the House would ordinarily sit.

Upon a Wednesday the House cannot be counted out after it is once made, no matter how few members may be present, until four o'clock, when it may be counted as upon other days. If the attention of the Chairman of Committee is called to the fact that forty members are not present, he cannot proceed with the business,

and must send for the Speaker, who would proceed to count in the ordinary way.

It has happened upon some occasions that a member, vexed that so little interest was felt in the subject upon which he was addressing the House, has complained of the smallness of the attendance ; by so doing he has called the attention of the Speaker to the fact that there was " No House," whereupon the Speaker counted, and finding less than forty members present, left the chair. In this way a member may put an end to his own speech without intending it. Sometimes, too, the House will divide when less than forty members are present, and this will also put an end to the sitting.

In cases where a member thinks the number of members present, although above forty, is not sufficient to transact business of the importance of that under discussion at the time, he may move the adjournment of the House, or the adjournment of the debate, or if in Committee, he may move that the Chairman report progress or that the Chairman leave the Chair. The effect of this last motion would be to put an end to the Bill. These motions take precedence of all others, and must be disposed of before the business is proceeded with.

ADJOURN-
MENT.

It is a rule of the House that the same motion cannot be made twice in succession, so that it is customary to vary these motions when the object is to tire out those who are pressing forward business at an inopportune hour ; but the motion that the House do now adjourn may be repeated any number of times in succession, because by the use of the word " now " it is obviously a different motion from that made even a moment before.

Motions when once made become the property of the House and cannot be withdrawn except by leave of the House. This rule is made so that the House may retain the power of expressing its opinion upon any motion submitted to it, and not allow that to be withdrawn which it wishes to approve or condemn. If, upon any division in the House of Commons the numbers should prove to be equal the Speaker may give a casting vote, he usually gives his vote with the " Noes " on the

SPEAKER'S
CASTING
VOTE.

principle that it would be better to have the matter reconsidered by the House than that his single vote should affirm a proposition. The Chairman in Committees of the House of Commons also has a casting vote ; but in the House of Lords neither the Lord Chancellor nor the Chairman of Committees is so endowed, and if the numbers are equal, the motion, whatever it may be, is always regarded as lost.

PEERS MAY
RECORD
PROTEST.

Peers have the privilege of entering their protest upon the journals of the House against any resolution which may be come to by the majority contrary to their opinion ; and they may state their reasons for protesting. Members of the House of Commons, however, have no such power.

Peers, who do not wish to vote upon a question, may stand behind the woolsack when the question is put ; they are then not in the House, and may refrain from voting. Members of the House of Commons, however, who do not wish to vote must leave the House before the question is put a second time, and while the sand-glass is running, otherwise the doors will be locked, and the orders of the House will require that they pass through one of the division lobbies.

The Lords do not sit upon Wednesdays as a rule, nor does either House sit upon Saturdays, but on very extraordinary occasions they have been known to sit on Sunday.

TAXES.

Very little reasoning is necessary to show that a country cannot be governed without cost. To maintain all the officers of State, great and small, the Army and the Navy, and the officers of justice, must cost a great deal of money. It costs no less than ninety million pounds each year ; and it will require little reflection to see that almost the whole cost arises from the fact that people will not do what is right. The Post Office does not cost the Crown anything ; the postmen and telegraph boys are paid out of the fees for carrying letters and telegrams, and a large profit is left from their earnings after they are paid ; but the Army and Navy, the policemen, judges, and jailors cost a very large sum every year ; and the Crown cannot do without them so long as wrong is done. An Army and Navy are

necessary as long as other countries make war on one another, and may make war on us ; a police force is necessary as long as thieves steal and murderers kill ; judges are necessary so long as offenders have to be tried, or disputes have to be settled ; and jails and jailors are necessary as long as there are criminals to be punished. All these institutions are established and maintained for our protection, and we pay for their maintenance by means of taxes. Taxes, indeed, may be regarded as the sum people pay for the protection afforded them by the State.

As it is the people who pay the taxes, the representatives of the people in the House of Commons reserve to themselves the exclusive right to originate "Money Bills" for taxing the people. The House of Lords sometimes rejects a Money Bill agreed to by the Commons, but never amends such a Bill. If it did so, the Commons would assert their privilege in this matter, and decline to assent to the amendment. So, also, if the House of Lords passed a Bill of its own imposing taxes on the people, the House of Commons would assuredly reject it, no matter how good it was.

MONEY
BILLS.

The first step towards taxing the people is made by the several departments of State presenting their bills in the shape of "Estimates" for the expenditure during the approaching year. Upon the first convenient day after the assembling of Parliament, the Secretary for War, if he should happen to be a member of the House of Commons, and if not, the Under-Secretary for War, may propose that the Speaker leave the chair, in order that the House may go into Committee of Supply to consider the Army Estimates. When in Committee, he makes a statement showing what has been done with respect to the Army during the year that is about to close, and what he proposes to do in the year to come, how many men he requires to keep up the standing Army, how much money he will require for their pay, their clothing, their victualling, their arms and their barracks. At the close of his statement he moves that the number of men he has specified be voted for the use of His Majesty, and upon that motion any member is at liberty to speak and criticise his plans and all he has

ESTIMATES

said about the Army if he please, and to move an amendment. It is customary, but by no means obligatory, to fix the number of men at the close of the discussions, and after that to agree to a motion for their pay.

Upon another convenient occasion, the First Lord of the Admiralty will bring in his estimate for the year, and he will proceed in the same way as the Secretary of State for War. He will state how much money he wants for the building of ships, how many men he will want to man the Navy, and how much money he will require to pay them. His statement may therefore be subjected to criticism and his proposals to amendment.

To make these demands upon the public more clear, complete statements are presented to each member of the House of Commons, showing what the money is wanted for in every particular, in the same way as an invoice is presented by a tradesman for goods delivered. These are called the Army Estimates in the one case, and the Navy Estimates in the other. Similar statements are presented, showing what money is required, and how it is proposed to appropriate it for carrying on the Civil Government. These are called the Civil Service Estimates as opposed to the warlike, and include the cost of collecting the taxes, the payment of Judges and Magistrates, the maintenance of prisoners, the contribution made by the State towards educating the people, the payment of local police, the cost of the Post Office and Telegraph Service, and any other expenses incurred by the State other than those incurred in connection with the Army and Navy.

THE
BUDGET.

These estimates of expenditure having all been laid before Parliament, the next step is to consider in what manner the money for meeting them shall be provided. The Chancellor of the Exchequer is the Officer of State who makes proposals on this head, and his annual statement, summing up the whole expenditure of the country, and showing what taxes the Government propose to levy, in order to provide the money to meet the proposed expenditure, is called "The Budget." His statement is made in Committee of the whole House, because it has to do with finance, and the Committee

in this case is called the Committee of Ways and Means, because it has to consider by what ways and means the money shall be provided.

WAYS AND
MEANS.

In the first place the Chancellor of the Exchequer has to describe how the account stands for the past year, and to show whether the taxes have yielded as much as was expected. If they have not done so, and if the expenditure has been greater than the amount the taxes have produced, the Chancellor of the Exchequer will have to propose measures for meeting the deficit, as well as the year's expenditure. If, however, the taxes have produced more than is required, the balance remaining, after everything has been paid, does not go to pay for the succeeding year's expenditure, but is used to reduce the National Debt.

The National Debt is made up of sums borrowed by the State in times past to enable the country to carry on war, and amounts to nearly £700,000,000 sterling. The money is lent by subjects to the State, in sums of £100, and for each £100 the lender receives a bond, certifying that the State is indebted to him in that amount, and promising he shall receive so much each year as interest for the loan. Any person may become the possessor of one of these bonds who has the means, for they are bought and sold daily on the exchange, under the name of Consols or Consolidated Stock, and they are much valued on account of their being a very secure investment. As it is impossible to pay off so large a debt quickly, the Chancellor of the Exchequer has each year to provide the money for paying the interest.

NATIONAL
DEBT.

He would next name the cost to which the country would be put on account of Civil charges, which would include the salaries of all Officers of State, and their subordinates, the State contributions towards the police, and the maintenance of prisons, the payment of Judges and Magistrates, the grant for education, the sum granted to the Sovereign in lieu of hereditary rights, as described in the chapter on "The Crown," and the total cost of the Post Office and Telegraphic system. This would, probably, amount to about £11,000,000.

Next, he would state the cost of collecting the taxes, which would amount to about £8,000,000, and then he would remind the Committee that the Secretary of State for War had asked for some £15,000,000 for the Army, and the First Lord of the Admiralty required £13,000,000 for the Navy. Altogether, the charges would amount to £100,000,000, which we may look upon as the bill presented by the Sovereign to the people for carrying on the Government of the country, and protecting life and property.

Having stated the demand, the Chancellor of the Exchequer next states how he proposes to raise the money to meet it. To begin with, he will estimate how much the taxes imposed during the past year would yield if no alterations were made in them. Let us suppose that he finds they would yield £103,000,000, even if the country did not increase in prosperity, and no more trade was done in the current year than was done in the year that had passed. This would give him £3,000,000 too much, and he might safely assume that this would be the case, because for many years past the trade done by the United Kingdom has increased year by year, and the revenue of the country, which depends upon trade and the general prosperity of the nation, has also increased. He would estimate that he would receive from Customs Duties—that is, from the duties levied on goods, or rather, luxuries, imported into this country—perhaps £22,000,000; from Excise Duties—that is, duties levied on certain manufactures, chiefly for the production of luxuries—say £19,000,000; from stamps, receipt stamps and bill stamps, and stamps upon legal documents of all kinds, perhaps £20,000,000; from taxes—such as Income Tax, assessed according to the amount of a man's income, or the tax for keeping a carriage or a man servant—perhaps £20,000,000; from the Post Office—which includes all the money paid for the delivery of letters and the transmission of telegrams—probably £20,000,000; and from Crown Lands and other miscellaneous sources, £3,000,000. This would make altogether £103,000,000, and the next thing to be considered would be what should be done with the three million that was not wanted. Perhaps he would

suggest that the Duty on Sugar should be reduced one penny per pound, and that the Duty on Tea should be lessened, and that the Income Tax should be reduced one penny in the pound. By doing this the revenue would yield, say, £2,500,000 less, and that would be a sufficient reduction, because the Postmaster-General might desire to reduce the postage on letters in certain cases, and because some sources of Revenue might not yield as much as was expected.

At the close of his statement the Chancellor of the Exchequer would move a resolution embodying one part of his proposal, and then it would be competent for any member to criticise his statement and move an amendment to his motion. But, supposing his proposals to be generally approved, they would be agreed to, and afterwards reported to the House ; Bills would be framed to carry them out, and these Bills would be read a first, second and third time in both Houses before they became law.

Parliament by passing the Money Bill proposed by the Chancellor of the Exchequer, would give the Crown authority to collect the taxes, and to the Lords Commissioners of the Treasury to receive them into the Imperial Exchequer or Consolidated Fund ; but it would not authorise the Crown by these bills to appropriate money so collected. The authority to spend the money is given by a totally different process, and not until every member has had full opportunity of discussing and taking exception to every sum asked for. This is done in Committee of Supply, and occupies much time.

CONSOLIDA-
TED FUND.

We have already seen that the Minister of War asks the House to vote supplies to His Majesty for the purchase of provisions and stores for the Army, for the building of barracks, for the purchase of clothes, and for the manufacture of arms. His full statement is made at one sitting of the Committee of Supply ; at subsequent sittings every item is gone through, and may be closely enquired into by any member who chooses. Let us suppose he asks for £50,000 for the manufacture of a new rifle. A member asks what sort of rifle this is that he proposes to spend so much money upon. The Minister

COMMITTEE
OF SUPPLY.

then gives a description of it ; whereupon a member who prefers a different sort of rifle objects to his proposal and opposes the grant. Then a discussion ensues, in which every member is at liberty to join and speak as many times as he chooses upon the merits of the rifles, and, perhaps, others may suggest other descriptions. The discussion may last many hours, and may end in the grant being refused or the consideration of it being postponed. Upon another occasion the First Lord of the Admiralty may ask for supply, and he may ask for a sum of money for building ships. His request may be met by opposition, and a long debate may arise before it is granted, while in other cases large sums may be voted without a word, because no one sees any ground for objecting to them. Perhaps the Postmaster-General may, upon the same evening, ask for some money for the carriage of letters. The Vice-President of the Committee of Council on Education may ask for some portion of the grant for carrying on public elementary schools ; and the Secretary to the Treasury may ask for sums to pay the civil servants.

APPROPRIA-
TION ACT.

When all the sums of money required by the Government have been discussed and voted or not, as the case may be, the Secretary to the Treasury brings in a Bill, which is called the Appropriation Bill, and in this Bill it is provided that all the sums which have been voted in Committee of Supply shall be appropriated to the several purposes for which they were voted. This Bill is read a first, second and third time, in the same way as any other Bill, and having been sent up to the House of Lords, it is then passed through the several stages, and goes forward for the Royal Assent. This Bill, when it becomes law, gives authority to the Crown to spend the money collected in the shape of taxes ; and it will not be legal for the Ministers of State to spend the money in any other way. If they do not spend all the money voted upon one account, they may not spend it upon another ; if, for instance, they do not require to spend the £50,000 voted for rifles upon rifles, they may not spend the surplus upon barracks or the building of ships. The money not spent is saved, and must be used for the reduction of the National Debt.

But members of the House of Commons have not only the right to object to the expenditure of certain items ; they may oppose the granting of supplies altogether, until all grievances are redressed, and all necessary measures are passed for the good government of the people. The rules of the House give the members absolute power in this respect, and frequent opportunity of exercising it, provided their case is good. When a Minister of the Crown moves " that the Speaker do now leave the chair," in order that the House may go into Committee of Supply, any member who chooses may rise in his place and object on the ground that his constituency, or the people generally, are suffering from a wrong, which he thinks the Crown should be made to redress before any money is granted for carrying on the government of the country. This is very often done, and although it seldom happens in these days that supply is absolutely refused, the power of absolute refusal is possessed by the House and may be exercised. Of course no single member could stop the granting of supply by his voice alone ; he must induce a majority of those present at the time to support him on a division, or else he cannot attain his end. Generally speaking, members are content with stating their grievance ; and others withdraw their motions on receiving a promise from a Minister that the matters to which they have called attention will be enquired into. In this way it will be seen the people possess great power over the Crown. No grievance of magnitude could remain unredressed, if supplies were refused as long as it existed ; and although the extreme measure of absolute refusal has not been exercised for many years past, the spirit which might at any time develop into such a position is always at work in Parliament, and, being exercised temperately, uniformly tends to good government.

REDRESS OF
GRIEVANCES

Demands for enquiry are very frequent in both Houses of Parliament. Sometimes members ask for a Royal Commission ; sometimes for a Select Committee. These two forms of enquiry differ in character, but they differ rather in form than in result. The members of a Royal Commission are nominated by the Crown, and

ENQUIRY.

are generally composed of those most qualified to form an opinion on the subject to be enquired into, whether they be members of Parliament or not ; a Select Committee is composed of members of that House of Parliament in which the motion for its appointment is made. The appointment of a Select Committee is quite within the powers of either House of Parliament : the Lords may depute some of their number to consider and report upon questions ; the Commons may do the same ; and each may give the Committee so appointed extraordinary powers, to send for witnesses and documents, and compel attendance. The appointment of a Royal Commission is not within the power of either House. The House of Commons may resolve to send an address to the Crown, praying His Majesty to appoint a Royal Commission to enquire into a given subject. The address will in due time be considered by the Cabinet, and, if approved, the Controller of the Household, commanded by His Majesty, will appear at the Bar of the House, with a message from the Crown, promising to appoint the Commission. In cases where the address for the appointment of a Commission is agreed on by the Lords, the same course would be adopted, except that the reply would be presented by a member of the Government, being a Peer, probably, the Lord Chamberlain. It seldom happens that a request for the appointment of a Royal Commission is not assented to by the Government, but cases occur in which the Lords may desire an enquiry, and in which the Commons may not. In such case the Government generally advises the Sovereign not to comply with the prayer of the address from the House of Lords, and a reply to that effect is presented in the same way as if it were a favourable reply.

When a Select Committee of the House of Commons has completed its enquiry, it draws up a report which is presented by its chairman to the Speaker, and when printed, is supplied to every member. It may then be commented upon, and perhaps, form the basis for legislation. The report of a Select Committee of the House of Lords is laid upon the table of the House as a matter of course, and is thereafter treated in the same

way as a report presented to the House of Commons. The report of a Royal Commission, together with the evidence upon which it may be founded, is usually presented by command of His Majesty to both Houses of Parliament, and thereupon becomes fit subject for comment, and perhaps the basis for legislation in the same way as if the evidence had been taken and the report made by a Select Committee of one or other of the Houses of Parliament.

Private Bills are measures presented to Parliament, by Municipal bodies, by private persons or companies, who seek powers which the existing law does not give them. If a company desire to construct a railway from London to Edinburgh, they would have no power, under the ordinary laws of the land, to compel the owners of the land over which they desired the line to pass to sell to them as much of the land as they required, and to bargain with each owner in turn would be a hopeless task. They accordingly go to Parliament, and ask for powers to compel these owners to sell the necessary land to them, at a price to be fixed according to certain rules as to compensation, embodied in several Acts of Parliament, known as the "Clauses Consolidation Acts." The powers thus sought and acquired as to land are called "Compulsory Powers."

PRIVATE
BILLS.

The Bill conferring these powers, to which it is proposed to ask Parliament to assent, is lodged in both Houses, before the expiration of a certain day, yearly named in the Standing Orders of both Houses of Parliament, and usually some six weeks before the House actually meets. Immediately after the session begins a petition is presented, praying for leave to introduce the Bill ; and at a meeting of the principal officers of both Houses of Parliament, it is determined, having regard to the amount and nature of the business generally, into which House the particular Bill shall be introduced. The Standing Orders relating to private Bills also require that the successive stages of Bills shall be taken at specified intervals, and on payment of stipulated fees, and that notice shall be given, either personally or by public advertisement, to all persons interested in the projected measure. These precautions are taken,

STANDING
ORDERS.

first, for the information of Parliament itself, and, secondly, that individuals affected may, if they choose, petition Parliament for leave to be heard against the Bill.

It is customary to read all private Bills a first time, as a matter of course, if their promoters have complied with the Standing Orders ; and, usually, Bills are read a second time, without discussion, and referred to a Committee elected by the House. This Committee, which generally consists of five members, but sometimes only of four members, or of four members and a referee, sits as a Court, hears evidence for and against the measure, and, having listened to all that can be urged by the promoters or their counsel in favour of the Bill, and all that can be said against it by its opponents or their counsel, makes a report to the House. If favourable, the Bill is ordered to be set down for a third reading, and if read a third time and passed, it goes at once to the other House, and is there dealt with in precisely the same way. The second House is regarded, not as a Court of Appeal, but as an entirely new tribunal, so that a Bill will, probably, be well considered before the powers it would confer are granted. In certain cases originating in Scotland the enquiry may be made in Scotland by Commissioners nominated by the Secretary for Scotland, who report their decision to Parliament.

COMPULSORY POWERS. Such Acts as these, authorising the exercise of compulsory powers, are required not only in the case of railways, but in all cases where the rights of private persons, or the rights of the public would be interfered with by the work it is proposed to carry out. Such undertakings often occasion great inconvenience to a private person, sometimes even to the extent of destroying his house, and taking away his business ; and this person, perhaps, honestly thinks that no payment in money would compensate for the injury done him. Still, if great advantage will accrue to the public from carrying out the proposed work, Parliament holds the convenience of the individual must give way to the good of the many.

But, though the property is taken, Parliament will not allow the rights of the landowner to be sacrificed,

for compensation is always secure to him, and if he can show good grounds for them, special clauses are often inserted in the Acts for his benefit. Generally speaking, we may say that it is the interest of the public, coupled with a due regard for private rights, which guides the Legislature in granting compulsory powers to promoters of private Bills ; and in order that the balance may be held fairly, and that no suspicion may attach to the action or interference of Parliament, all members of either House, whose personal and pecuniary interests, or even the interests of whose constituents are in any way concerned in any such measure, are bound in honour to abstain from influencing the decisions arrived at.

Provisional Orders are orders made by a department of the State subject to the assent of Parliament. They are in the nature of Private Bills, and give powers to private persons or public bodies to carry out works of public utility. Provisional Orders, for instance, are made by the Board of Trade to empower Harbour Trustees to improve their harbours. These Orders, however, are not framed at the caprice of an official, nor do they always correspond with the wishes of those who seek to obtain them ; they are drawn in strict compliance with an Act of Parliament, after due notice has been given to all persons concerned in them that they will be applied for, and when drawn they are presented to Parliament in the form of a Bill for confirmation. Should this confirmation be withheld, they do not become law, and the powers sought for are not conferred.

Private persons, affected by a Provisional Order, have the power of petitioning Parliament against its being confirmed, and on their doing so, the Bill proposing to confirm it is treated in all respects as a Private Bill, and must be considered by a Select Committee, so that the interests of private persons are as well protected by the Provisional Order as by the Private Bill system.

This method of granting Parliamentary powers to private persons is of recent growth, and it is extended from time to time by Parliamentary enactment to other subjects than those originally dealt with. It was

designed upon the ground that a department of State, such as the Board of Trade, was best able, in all cases affecting trade and commerce, to gather the information necessary to enable Parliament to judge of the propriety of granting the powers asked for. The Provisional Order system was also designed with a view to prevent expense in cases where there was a prospect of little or no opposition. But sometimes when unexpected opposition arises the expense is increased, because not only are there the ordinary charges of promoting a Provisional Order incurred, but they are added to by defending the Provisional Order as if it were a Private Bill.

Similar Orders, although not styled Provisional Orders, but generally known as minutes or schemes, are laid on the table of both Houses of Parliament by the Education Department of the Privy Council Office, by the Endowed Schools Commissioners, and other public bodies, in accordance with the provisions of the Acts of Parliament regulating their conduct, and these orders have the force of law provided they are not successfully challenged by either House within a certain time specified by the Acts under which they are presented.

ROYAL
ASSENT.

As soon as a Bill has been agreed on by both Houses of Parliament, it is laid before the Sovereign by the Lord Chancellor, and the Sovereign assents or not, as the Cabinet may advise. It is long since the Sovereign has put a veto on a Bill, and probably it will be long before the right of veto is again exercised, for this reason, that the Cabinet would not venture to advise the Sovereign to withhold assent from a Bill which it was unable successfully to oppose in its passage through Parliament. If the Cabinet did so venture, it would become liable to a Motion of Want of Confidence in one or perhaps both Houses of Parliament, the consequences of which is fully described in the chapter on "The Responsibility of Ministers."

The Royal Assent is given either in person or by Commission. If in person, the Sovereign goes to the House in state as upon the opening of Parliament, and is attended by the great officers of the Household.

When within the precincts of the House, the Sovereign is waited on by the Clerk of the Parliaments, who reads

over a list of the Bills which have been agreed on by both Houses, and receives the Royal commands respecting them. The Sovereign then enters the House of Lords, and, seated on the Throne, orders that the Commons may be sent for in the same way as upon the opening of Parliament.

The Commons having responded to the summons, and such of the Peers being present as may choose to attend, the Deputy Clerk of Parliaments reads the title of the first Bill on the list; the Clerk of Parliaments thereupon bows to the Sovereign, and turning his head so as to address the Commons at the bar without turning his back upon his Sovereign, he says in old Norman French, "*Le Roy le veult*," "The King wills it"; or, in the case of a Queen, "*La Reyne le veult*," "The Queen wills it." He then again bows to the Sovereign, and the same form is gone through in respect of every Public Bill upon the list. In the case of a Private Bill, instead of "*Le Roy le veult*," he says, "*Soit fait comme il est désiré*," or, "Be it done as it is desired." Should the Bill be in the form of an assent to a petition of right, the Clerk would say, "*Soit droit fait comme il est désiré*." "Be this right done as it is desired"; and in the case of a Bill granting money or supplies to the Sovereign, the Royal Assent would be given in the following words: "*Le Roy remercie ses bon sujets, accepte leur bènèvolence, et ainsi le veult*," that is to say, "The King thanks his good subjects, accepts their bounty, and so wills it." Should the Royal Assent be withheld, the Clerk would say, "*Le Roy s'avisera*," or "The King will consider." As soon as the Clerk has signified the Royal pleasure concerning all the Bills presented, the Commons withdraw, and the Speaker, upon taking the chair in his own House, reports what has been done.

The Sovereign, however, seldom appears in person to give assent to Bills, and is usually represented by a Royal Commission. In such circumstances, the Commission is signed by the Sovereign's own hand, and attested by the Clerk of the Crown in Chancery. It does not differ except in respect of the purpose for which it is issued from other Royal Commissions, and when it has been read by the Reading Clerk in the

presence of the Commons assembled at the bar, the Lord Chancellor, as principal Commissioner will say :—

“ My Lords and Gentlemen, by the command and by virtue of the powers and authority to us given by the said Commission, we do declare and notify His Majesty’s Royal Assent to the Acts in the said Commission mentioned, and the Clerks are required to pass the same in the usual form and words.”

Thereupon, the titles of the Bills being read, the Clerk of Parliaments signifies the Royal Assent in the usual form and words already described.

**PARTY
GOVERN-
MENT.**

The members of the Houses of Parliament, with few exceptions, attach themselves to some party which has a distinct programme, and a well-defined political creed. The chiefs of one of these parties usually form the Government ; the chiefs of the most numerous opposing bodies are known as the leaders of the Opposition. Each acts upon the principle that “ Union is strength,” and those members who attach themselves to a party usually repress their private judgment, because they think it better that their party, as a whole, should prevail, than that they should give expression to their individual opinion ; or, to put it in other words, because they think their party will govern more wisely and propose better laws, on the whole, than the opposing party.

There are many members, however, who do not hold themselves amenable to any party or leader ; and do not approve party government. They think it better that a man should exercise his private judgment on all questions, without reference to those who submit to the decision of Parliament, and should vote with the Government or the Opposition, just as he may think best for the time. These are known as “ Independent Members ” ; they form but a very small minority of either House, and, being disunited, they have no power, as a body, and go and swell the numbers of the Government, or the Opposition, for the time being, as the case may be.

Each party has a complete organisation, and the leaders of each make known their designs and wishes to their followers through the medium of a member selected

for the purpose, who is commonly known as "The Whip." The Government Whip in the House of Commons is usually the Secretary to the Lords Commissioners of the Treasury, and he is also known as the "Patronage Secretary."

WHIPS.

The Opposition Whip is usually that member who occupied the position of Secretary to the Treasury, when the leaders of his party were in office. In the House of Lords the Government Whip usually holds some office in the Sovereign's Household, and the Opposition Whip is usually a Peer who has formerly held such an office under the leaders of his party.

It is the duty of the Government Whip, whenever Ministers desire to proceed with business, to get together a sufficient number of members to make a House by the time the House should assemble, as prescribed by the Standing Orders, and it is his business to keep together forty members in the neighbourhood of the House as long as the Government needs the House to sit. He has also, upon all occasions when the Government submits questions upon which a difference of opinion exists, to cause such a number of members of his party to attend as will give the Government a majority of votes. The Opposition Whip will, in like manner, bring together as many of his party as he can induce to attend, and each of them will do their utmost to win independent members to his side.

Those who object to party government condemn the proceedings of the Whips, as being artificial, and think the country would be better governed if members of Parliament voted spontaneously upon the basis of arguments submitted to debate, rather than upon the basis of considerations urged privately by "The Whips."

Strangers, among whom are included Peers in the Lower House, and members of the House of Commons in the Upper, as well as the reporters for the newspapers, are allowed to be present in either House, but may be excluded at any time upon a member calling attention to the fact that he "spies strangers in the galleries." Upon his doing so in the House of Commons, a division is taken, and upon the motion being carried, the

STRANGERS.

Speaker orders the Sergeant-at-Arms to clear the galleries, and the House thereupon debates in private.

REPORT OF DEBATES. At one time it was held to be unlawful to print reports of the debates, and some have been imprisoned for doing so, but now members are anxious that their speeches should be reported, that their constituents may be informed of their proceedings. Very often debates are carried on when only a dozen members are present, and when it is obvious that the speeches are made solely that they may be published in the newspapers ; so that although the power of excluding strangers is retained, it is very seldom used, and twenty years have been known to pass by without the right to exclude strangers having been once exercised.

To procure admission to the strangers' gallery, it is necessary to be furnished with an order from one of the members, each of whom has the right to give one for each sitting. Admission to the Speaker's gallery is secured by presenting an order signed by the Speaker himself ; and ladies are introduced to a gallery set apart for them by members who have precedence one of the other, according as they write their names in a book kept for the purpose. Strangers sitting in the House are obliged to retain their seats ; they may not stand up, nor may they read or write. This rule does not, of course, apply to reporters for the newspapers, who have a gallery set apart for them, to which no one is admitted unless provided with a card bearing the name of the holder and the journal he represents, signed by the Sergeant-at-Arms.

Similar rules prevail in the House of Lords with regard to the admission of strangers, except that all such matters are in the Upper House under the control of Black Rod.

Although the people have a voice in the Legislature only by the act of the Commons choosing representatives to serve in Parliament, there are many ways in which public opinion expresses itself in a less formal manner, and influences legislation. In the first place, every person has the right to petition either House of Parliament, and provided the petition is properly worded, no Peer or member of the House of Commons should

decline to present it. It is not necessary that the persons presenting the petition should agree with its prayer, nor be in any way concerned in its object, but it usually happens that petitioners make their appeal through their representative in Parliament, or through some other who they know will sympathise with them.

Closely allied to this right to petition is the right of public meeting and of free speech, by which public opinion makes itself felt in Parliament; indeed, petitions generally emanate from public meetings. It is the duty of everyone before signing a petition to make himself thoroughly acquainted with the subject to which the petition relates, and to be convinced that the prayer of the petition, if granted, would result in a benefit to the community. Unless a person can ensure himself upon these points, it is better he should not sign, for by doing so he would be deceiving the Legislature.

Petitions on being presented are referred to a Committee which examines them, and from time to time presents a report to the House describing the prayer of each petition, whence it comes, and the number of persons who have signed it. If the Committee should have reason to suspect the genuineness of a petition; if, for instance, it suspects some of the signatures to be fictitious, it would cause enquiry to be made on the subject, and if the suspicion of the Committee proved to be well founded, the House might not only reject the petition, but punish the offenders for contempt.

Members of the House of Commons, on presenting a petition, cannot do more than state its prayer; they cannot comment upon the subject to which it refers. Members of the House of Lords, however, are restrained by no such rule, and may make a speech upon presenting a petition; other Peers may answer them, and a long debate may ensue.

The people have also the right to petition the Throne. Petitions to the Sovereign, however, are usually presented through the Ministers of the Crown, except in the case of some great corporate bodies, who possess by charter the right of presenting petitions to the Sovereign in person. The Corporations of the cities of London, Edinburgh, and Dublin have the right to present

petitions in person at the bar of either House of Parliament. On doing so, those representing the Corporation appear in their robes of office before the commencement of public business, and state the prayers of their petition in the same way as a member would.

PROROGA-
TION AND
DISSOLU-
TION.

The prorogation of Parliament from session to session, and its dissolution, when occasion arises, rests entirely with the Crown. A Parliament ceases to exist at the end of seven years, as a matter of course, unless previously dissolved; and the Crown must summon a new Parliament within three years of the dissolution of the last.

Parliament may be prorogued and dissolved on the same day. It is dissolved by Royal Proclamation, which usually gives orders for the issue of writs calling for a new Parliament. Formerly it was enacted that a Parliament should cease to exist six months after the death of the Sovereign in whose reign it was elected. This, however, is no longer so.

CHAPTER X.—THE BALANCE OF POWER.

HAVING now described the various parts of the organisation by which the laws of England are made, it will be well to review the whole and see how admirably each part checks and controls all the rest in its turn. And the more we examine into the working of our Constitution, the more clearly shall we perceive that the power of controlling the destinies of the nation is actually in the hands of the people themselves, if they will but act in accordance with the Constitution, and not resort to illegal means to attain their ends.

The Sovereign, though endowed with supreme authority, and occupying the position of chief of the State, cannot act in contravention of the law, and is bound to administer it as the courts may determine; and although able to exercise immense influence on the

destinies of the nation, and by a personal control of the affairs of the State, is restrained by constitutional usage, as distinguished from constitutional right. Numerous subtle influences are at work, restraining the Sovereign from exercising the immense power his position as head of the State confers. Unquestionably, the Sovereign is not insensible to the feeling of the people, and that feeling is exhibited and brought to bear upon him with extraordinary force, with unmistakable clearness, and with remarkable promptitude. Monarchs less wise and discreet than those of our day have often been deterred from imprudent action by the rough complaints of the populace assembled in the Market-place, the Exchange, or at the Palace-gates. Monarchs, in like manner, have often been encouraged to continue in a policy approved by the nation, by the applause of the multitude upon their appearance in public places, or when passing along the streets. The feeling of the people, however, can now be gauged in this country by more certain means than the cries of the multitude.

The Press, which may be regarded as part of our Constitution, scarcely less so than the Cabinet, since neither is established by law, though the position of each is clearly defined by usage, and both are amenable to the law, represents and interprets the feeling of the people with unfailing accuracy. The Press cannot misrepresent the people, because it lives by the people, and whatever the people will not support in the Press cannot live. It is true that unprincipled men sometimes foster discontent among the ignorant, and others, believing what they publish, endeavour to inculcate false principles ; but, happily, the intelligence of the vast majority of the people prevents harm resulting from such publications, and those in authority wisely regard them with indifference, except as an indication of the extent to which the opinions represented by them prevail. It may be taken as an axiom that a journal represents the feeling of the nation in proportion as it is pecuniarily successful ; and, accepting this axiom, we may conclude that, inasmuch as no journal can live which has not a constituency to support it, so every journal, however obscure, however untruthful, however

bad, may be taken as representing the feeling of some portion of the nation. Obviously, a successful newspaper becomes a very powerful engine for the formation of public opinion, because it happens with the Press, as with every part of the recognized Constitution, that the influence it exerts acts and re-acts upon itself. A newspaper is supported by those whose opinions it expresses. It puts into definite shape what is in its readers' minds in a nebulous form, or else it absolutely forms an opinion in its readers' minds on the basis of principles which its readers accept. The Press is thus a leader and former of public opinion only when it pronounces judgment in accordance with principles generally accepted by its readers, and it cannot lead public opinion long unless it fulfils these conditions. Therefore, we can say, with perfect confidence, that the opinion of the people may be gauged with unfailing accuracy through the Press, and we may assume that it is so gauged by the Sovereign and his Ministers, who shape their conduct accordingly.

The Sovereign is therefore influenced, and even controlled, firstly, by the necessity he is under of securing the services of Ministers to submit his designs to Parliament, of procuring the concurrence of the nobility, as represented by the House of Lords, and of the commonalty, as represented by the House of Commons ; and also of obtaining the loyal approval of the people generally, as distinguished from their Parliamentary representatives.

Setting aside for a moment the constitutional practice, let us imagine a Sovereign determined to prosecute his own wishes in opposition to the wishes of the people. Being the fountain of honour, it might not be impossible for him, by conferring social distinctions and marks of royal favour, to secure a Cabinet subservient to himself. It would be difficult, because Ministers are far more sensitive to public opinion than the Sovereign, inasmuch as their position is more dependent upon public than royal favour as we have already seen in the chapter on "The Responsibility of Ministers." But, assuming such a Cabinet secured by the Sovereign, the further prosecution of his designs would be impossible, for even

if his measures were favourable to the Lords, and calculated to sustain their power, the Commons would have to be conciliated, and though many of them would be men of high social position, who might not be disinclined to favour the pretensions of the Sovereign, and increase the power of the nobility, the large majority would have no such inclinations, and would unquestionably be faithful to the trust reposed in them by their constituencies. The people, by petition, and by demonstrations in public meeting, by the exercise of the right of free speech, and by the expression of their opinions in the Press, would stimulate the House of Commons, and support them with irresistible force ; so that if such a contention as that we have supposed were to arise, it could not be maintained. If the people willed it the Sovereign would be obliged to give way. An appeal to the country would not serve the Sovereign ; it would simply result in the elimination from the House of Commons of all those members who in any way favoured the obnoxious measure, and the contest would assuredly result in its withdrawal.

If we approach the question from the other side, the power of the people is equally apparent. The Sovereign has the right to veto any Bill agreed on by both Houses ; he might, for instance, be disposed to veto some Bill which had emanated from a section of the community unfavourable to the Monarchy, and he might, by dismissing Ministers and calling others to his service, without regard to any considerations but his own desires, secure a Cabinet whose wishes would correspond with his own in this respect ; but although such a Cabinet might be created and desire to advise the Sovereign to veto such a Bill, it would not venture to do so, when the House of Peers, as well as the representatives of the people, required it should pass. It would be absurd, too, for the Cabinet to advise the Sovereign to veto a measure whose rejection it had been unable to secure by either branch of the Legislature. Constitutional right, in such a case, must give place to duty, just in the same way as it is not always politic to insist upon rights in private life, when courtesy requires one to give way.

The same distinction must be made, because the same feeling operates in all branches of the Legislature. In theory, as we have shown, the legislative authority of the House of Lords is co-ordinate with that of the House of Commons. It can absolutely reject, not only once, but as many times as it chooses, and not only without sufficient reason, but without any grounds whatever, any Bill which may have been passed by the House of Commons, however vitally affecting the liberty of the subject, or however urgently demanded by the whole community. But then it would not venture to do so. If it did, it would be equally competent for the Sovereign to create a sufficient number of new Peers as would outnumber those who objected to the measure which the country desired should become law, and which the existing House of Peers refused to endorse. In fact, the House of Lords cannot safely reject an important Bill, or neutralise it by amendment, unless it has good reason to believe that it has a majority of the English people at its back, who are opposed to the then existing majority in the House of Commons.

It may, however, happen, that upon a question affecting some powerful and compact section of the community—some influential trade, for instance—private selfishness would prevail for a while in the House of Commons over anxiety for the good of the nation at large. At such a juncture, the independent action of the House of Lords would be of great public service. Uninfluenced by trade, with their positions as members of the Legislature secure, uncontrolled in any instance by a constituency in which the trade or interest concerned might predominate, generally led by men of learning and large experience trained to statesmanship, and possessing the courage necessary to place themselves in opposition to an influential section of the community, the members of the House of Lords would in such a case do the State incalculable service by refusing to endorse a measure, even though it had been passed in the House of Commons by a large majority. If the Ministers of the Crown, influenced by the same considerations as the House of Commons, went to the length of appealing to the country upon the question, as

against the House of Lords, the interest or trade which had nearly been victorious would be swamped by the nation at large, and the House of Lords would be justified in its action.

In the same way it would be perfectly competent for a House of Commons to stop the Supplies for carrying on war, even though the majority of the people desired it should be carried on ; but if it did so, the wishes of the people would quickly become known, and the House of Commons would be unable to withstand the expressed desire of the King, the House of Lords and the people combined.

We are, therefore, brought to the conclusion that the people form the final Court of Appeal in all questions of government in the United Kingdom. That element in the Constitution which most accurately interprets and acts in accordance with the will of the people, whether it be the Sovereign, the Lords, or the Commons, will assuredly control the destinies of the nation.

CHAPTER XI.

THE ADMINISTRATION OF JUSTICE.

IN the course of the preceding chapters describing the machinery by which the laws are made, we have noticed that much of the law is administered by the Ministers of State as representing the Sovereign, and we have also noticed that the administration of the law by officials representing the Privy Council or any department of the State is confined to making regulations for the conduct of public business, and issuing instructions for the guidance of those charged with the administration of the law throughout the country. Justice is administered by Magistrates and Judges on the Bench. No Minister of State, however high his position, has the power to inflict

punishment, or impose penalties, for a wrong done by the meanest subject of the Crown, even though the offence be committed against the State itself, and not against a fellow subject.

There is only one instance approaching an exception to this distinct rule ; and that instance may be taken also as an illustration of the precision with which the rule is observed. In cases where an Act of Parliament imposes a penalty for evading the payment of a tax, the Commissioners of Inland Revenue have the power, not of inflicting a penalty, but of offering to those who they believe have so offended against the law the option of paying a mitigated penalty. They have no power to enforce payment, and if an alleged offender decline to comply with the offer, the Crown has no other means of recovering the penalty than that of proceeding against the offender in one of the ordinary Courts of Law. So that although it is the Sovereign that is wronged, and the State which suffers by the act of the offender in this case, yet the Crown must sue him in one of the Courts constituted by Parliament, and before one of the Judges appointed to administer justice. Nothing can exhibit more clearly one of the most striking characteristics of our Constitution—the equality of all before the law—than such a case as this. Still, stated thus baldly, room might be given for doubt whether the subject would receive justice at the hands of a Judge appointed by the same authority as that which comes as a suitor before it. We shall see presently whether there are any grounds for this doubt, and to decide the matter fairly, we must first consider who are appointed Judges, and in what circumstances they are appointed.

Judges and Magistrates of all descriptions are appointed by the Sovereign on the nomination of a Minister of the Crown, with few exceptions, and in the case of these exceptions the appointments must be confirmed by the Crown before those appointed can act. Judges of the Superior Courts are appointed from among Barristers of long standing who have achieved a high reputation as counsel in pleading the causes of suitors in the Courts. Sometimes, though not always, appointments to the Bench are made as rewards for political

services rendered to the Cabinet in the House of Commons ; but in no case can such rewards be given with impunity unless the legal standing of the persons nominated justifies the appointment. They retain their office for life, or until promoted, and their full salary is secured to them as long as they continue at their posts. The Sovereign cannot dismiss them, nor do they retire on the demise of the Crown. No Judge can be removed from the Bench except upon conviction for some offence, or upon an address to the Crown agreed on by both Houses of Parliament, praying for his removal. To secure this, it would be necessary to prove him guilty of some dereliction of duty. If, for instance, it could be proved that he had received a bribe to give judgment in a particular way, or gave judgment from favouritism rather than in accordance with the law, nothing more would be needed to displace him. Happily, no such case has been even suggested for many years past ; and the purity of the English Bench in the present day stands higher than the Bench of any other country of any period. It is not difficult to discover the cause of this. The fact that a Judge cannot be removed from office except in consequence of his own misconduct, renders him perfectly independent of all influences which can possibly be brought to bear upon him by those higher in authority than himself. He is independent even of the Sovereign, in whose name he administers justice, and of the heir to the Throne in whose name he would act should he survive the Sovereign who appointed him. It is true he may have hopes of preferment, but then his decisions are duly recorded in the Law Reports published by authority, are liable to be criticised, and may be reviewed by a Superior Court. As a Judge is more anxious to achieve the reputation of being a sound lawyer than to gain preferment by pleasing individuals, it has come to pass that no consideration has been found sufficient in these later days to induce an English Judge to abuse his office.

JUDGES AND
MAGIS-
TRATES.

Therefore a subject need not fear to take his case even as against the Crown into a Court and leave the matter in the hands of the Judge. In some cases, to be hereafter specified, he must do so, but in all cases of

personal liberty, and in most cases of disputes about money matters, the subject has yet another security : the facts relating to the question at issue must be tried by jury.

TRIAL BY
JURY.

Trial by jury is regarded as one of the chief securities of our liberties, and the right to such trial has always been jealously maintained. It is disputed whether we inherit the custom from the Anglo-Saxons or the Normans ; probably it prevailed among both nations before the Conquest in one shape or other. Some authorities trace the origin of the custom to the Greeks and Romans ; but the method of trial by jury, as we at present understand it, was not fully adopted until as late as the fifteenth century.

Originally the jury consisted of twelve men, summoned from the neighbourhood where the disputed fact was supposed to have occurred, because, in the words of the original form of summons, they were the persons "by whom the truth of the matter might be better known." They were sworn "to speak the truth," and from such records of trials at the time as we now possess, they seem to have been regarded merely as witnesses called to inform the Judge as to the facts, or perhaps to pass an opinion on the credibility of the actual witnesses in the case. If a juror declared in open court before the trial that he knew nothing of the matter respecting which he had been summoned to speak, he was dismissed and another was summoned in his stead ; moreover, they were punished for perjury if they gave a wilfully false verdict, or hesitated in stating their opinion upon a matter of notoriety. Now, however, the jury of twelve are taken, not from the neighbourhood where the matter in question is supposed to have arisen, but from any part of the county ; they are not required to know anything of the matter, but are required to dismiss from their minds all they may have heard in the shape of common gossip respecting it ; they are required, in fact, to hear the statements made by the witnesses on the one side and the other, to form an opinion as to the truth of these statements, and to give a true verdict according to the evidence placed before them. Lord Chief Justice Hale, describing the duty and powers of a jury, has said "they

are to consider the evidence, to weigh the credibility of the witnesses and the force and efficacies of their testimonies wherein they are not precisely bound by the rules of the civil law—*viz.*, to have two witnesses to prove every fact, unless it be in cases of treason, nor to reject one witness because he is single, or always to believe two witnesses, if the probability of the fact does, upon other circumstances, reasonably encounter them ; for the trial is not here simply by witnesses, but *by jury*; nay, it may so fall out that a jury, upon their own knowledge, may know a thing to be false that a witness swore to be true ; or may know a witness to be incompetent or incredible, though nothing be objected against him—and may give their verdict accordingly.” In all cases where a jury is employed, then they alone determine which party has the truth upon his side ; the judge only expounds the law to the jury, registers their verdict, and passes judgment upon the basis of it. When we consider that this is the common practice in all cases where the man’s liberty is at stake, or where two men are in dispute, we must come to the conclusion that trial by jury is no small security that the decision shall be fair, although mistakes may possibly result.

Nor is it a small matter for a man upon his trial, or for such as are appealing to the law against injustice, that those whom they desire to appear as witnesses in their favour can be compelled to attend. This is done by a writ of Subpœna, which was first issued out of Chancery by John de Waltham, appointed Keeper of the Rolls in the year 1381. Much dissatisfaction was expressed by some who were thus compelled under penalties to act as witnesses when first the writ was issued, and petitions were presented to Parliament against a continuance of the practice ; but it was found to be of such service that it has ever since been maintained as a matter of right and justice to those whose case is submitted to the judgment of the Courts.

WITNESSES

Reviewing the process by which the judges are appointed, and remembering that they pass judgment in accordance with the verdict of a jury, we find that not only does constitutional usage place the judicial authority beyond the personal control of the Sovereign,

but takes it out of the hands even of the actual judge himself, who does not administer the law until the jury have decided upon the fact. Further, we find that the jury, for whose declaration the Sovereign and the Judge wait before giving the law effect, do not form a permanent body who could study how the power they possess might be used to promote their private advantage, but are called together haphazard, never, perhaps, having served before, and without much probability of being called upon to serve but once or twice again. M. de Lolme, who wrote in praise of the British Constitution during the last century, elaborates this reflection. "In fine," he says, "such is the happy nature of this institution, that the judicial power, a power so formidable in itself, which is to dispose, without finding any resistance, of the property, honour, and life of individuals, and which, whatever precautions may be taken to restrain it, must in a great degree remain arbitrary, may be said in England to exist—to accomplish every intended purpose—and to be in the hands of nobody. The consequence of this institution is, that no man in England ever meets the man of whom he may say, 'That man has a power to decide on my death or life.' If we could for a moment forget the advantages of that institution, we ought at least to admire the ingenuity of it."

The liberty of the subject is further secured by two other leading principles: the law can be put in force by any subject in the realm, and none can be imprisoned without lawful cause, nor long detained without trial. Not only can any person who feels a wrong has been done him by another appeal to the Courts for protection or redress, but any person knowing a crime has been committed may, in the name of the Crown, set the law in force against the wrong-doer, even though he shall have no connection whatever with him or the person wronged.

The law which prevents the detention of persons without trial is commonly known as the Habeas Corpus Act, which was passed in the thirty-first year of the Reign of Charles II., and is entitled "An Act for better securing the liberty of the subject, and for prevention of imprisonment beyond the seas." It contains provisions

by which no British subject can be long detained in prison except in such cases as the law requires him to be detained. Should a person be imprisoned without being informed of the cause of his imprisonment, application may be made on his behalf to the Lord Chancellor or any of the Judges at any time, no matter whether the Courts are sitting or not, for a writ of *habeas corpus*, returnable immediately; and this writ will require the person holding the prisoner in custody to take him before the Judge named in the writ as speedily as the distance will permit, which in no case could justify a delay of more than twenty days. When brought, the Judge shall determine whether the prisoner is properly detained; if not, he is bound to order his liberation.

Another provision in the Act requires that every person committed for treason or felony shall, if he require it, be brought to trial at the next sitting of the Court which should try him; and, if acquitted, or not tried during the second sitting of that Court, he shall be discharged, unless it should be shown to the Court that time is required to bring the witnesses together. Another provision forbids the recommitment of a person for the same offence, when once delivered by a writ of *habeas corpus*, and very severe penalties are attached to any infringement or evasion of the law. An Act passed in the Reign of George III. extended the operation of the Act of Charles II., not only to cases of illegal detention by one subject of another, but to cases of illegal detention in which the Crown is specially concerned. Persons charged with smuggling, for instance, or impressed for service in the Navy, could apply for a writ of *habeas corpus* as against the Lords Commissioners of the Treasury in the one case, or the First Lord of the Admiralty in the other.

Of course, it is competent for Parliament at any time to put an end to this law, and it has been the practice, in times of alleged danger, for Parliament to suspend the Habeas Corpus Act by giving authority to the Crown, for a limited period, to imprison suspected persons without giving any reason for so doing. Some think these times of alleged danger are the very periods

when the Act is most necessary ; because it is in times of tumult that men in authority are apt to confound the innocent with the guilty, if not to be despotic and cruel. The Habeas Corpus Act, however, it is said on the other hand, is designed for the protection of the innocent, and is not designed to prevent the punishment of the guilty ; and inasmuch as history records cases in which certain law-breakers became a terror to a district even to the repression of free verdicts by jurymen, the suspension of the Habeas Corpus Act becomes necessary for the protection of the community at large. The question as to whether the Act shall be suspended or not is a question for Parliament to determine ; that is to say, the people themselves determine whether this ordinary safeguard of their liberties shall be set aside in the unusual circumstances of the time.

**LIBERTY OF
THE
SUBJECT.**

The liberty of the subject, then, is secured by the independence of the Judges, by trial by jury, by the power every subject has of enforcing the law, and by freedom from imprisonment without speedy trial. The principle in our Constitution, however, which has most created the astonishment of foreigners in respect of the administration of justice, is the power the meanest subject has in this country of securing complete redress for any violation of the law, though committed by the chief representatives of the Sovereign. But cases are not uncommon in these days, in which persons of comparatively low degree are found suing, and suing successfully, Ministers of the Crown for the consequences of acts done in their capacity as representatives of the Sovereign.

A case is recorded of the reign of Queen Anne, which illustrates at once the confidence with which men in this country appeal to the laws, the respect shown by the Sovereign to them, and the advantages we enjoy as compared with the condition of the inhabitants of other countries. The Russian Ambassador, in the year 1708, was arrested, when riding through the street, at the suit of a tradesman, for a debt of £50. The Czar of Russia, upon hearing of the occurrence, was greatly incensed at what he regarded as an affront, and demanded that the Sheriff of Middlesex, whose agent had

made the arrest, and all others concerned in it, should be punished with instant death. "But the Queen, to the amazement of that despotic Court," says Judge Blackstone, who records the incident, "directed the Secretary of State to inform him that she could inflict no punishment upon any of the meanest of her subjects, unless warranted by the law of the land." It is necessary to add that, foreseeing trouble might arise out of such a state of the law, an Act of Parliament was afterwards passed, freeing from arrest all ambassadors in this country, and such of their servants as they may name to the Secretary of State. A copy of this Act, elegantly engrossed, was sent to the Czar by an Ambassador specially commissioned for the purpose.

Having described the leading principles of the Constitution, in respect of the administration of justice, it is now necessary to describe the titles and positions of these officers who administer justice, and the titles and jurisdiction of their several courts.

Originally the Anglo-Saxon Kings administered justice in person, assisted by the Witenagemot, or Meeting of the Wise, and they made progress through the country for the purpose of deciding complaints and reviewing decisions of their Thanes which had been appealed from. William the Conqueror, however, although he did not alter the Constitution of the Great Council of the Anglo-Saxons, created an officer, with the title of Chief Justiciar, to preside in this Court, when dispensing justice, and from the fact that it always followed the person of the King, and was held in the hall of the King's palace, it came to be known as the Curia or Aula Regis, or Court of the King. This Court decided all cases, whether complaints against persons or breaches of the King's peace, or appeals from inferior Courts, complaints relating to the payment of taxes into the King's Exchequer, and disputes between subject and subject, known as Common Pleas. William the Conqueror likewise discontinued the practice of going through the country, from time to time, to dispense justice, but instead of this, he annually summoned his Great Council to sit at Easter, Whitsuntide and Christmas, in three different parts of the kingdom, Winchester, Westminster

CHIEF
JUSTICIAR.

AULA REGIS.

and Gloucester. This brought a great many suitors to Westminster, but to those who could not come justice was denied. Accordingly, Justices in Eyre were appointed to travel through the country with jurisdiction almost equal to that of the Aula Regis itself.

These itinerant Judges, however, did not complete their circuit in less than seven years, and some further change being deemed necessary, the whole system of administering justice was reorganised during the period between the reign of Edward I. and Edward III. The Aula Regis was abolished, and three separate Courts were established: the Court of King's Bench, which had the power of controlling all inferior tribunals throughout the country, and dealing with all crimes, misdemeanours and breaches of the peace; the Court of Exchequer, which had to deal only with cases relating to the Revenue; and the Court of Common Pleas, which was deputed to decide cases of disagreement between private persons. These Courts existed until recent times, and full weight was given to the distinctions between them; that is to say, although an action by one private person against another could, with certain exceptions, be brought in any of the three Courts, certain actions, such as those arising out of disputed ownership of land, were brought in the Court of Common Pleas; actions relating to the Revenue in the Court of Exchequer; and actions involving criminal charges, or in any way relating to breaches of the peace, were brought in the Court of King's or Queen's Bench. These distinctions are now, however, at an end.

About the same period was established the custom of certain of the Judges making circuits through the country twice a year to administer justice, as the Anglo-Saxon Kings, and as the Justices in Eyre had done, but with greater regularity; and this system is in operation to the present day. The circuits are fixed by Act of Parliament, and the Judges meet and determine each year which of them shall go upon this errand, and upon what day. They are then formally appointed for the purpose by Commissions from the Sovereign, which are issued from the Crown Office.

The principal of these is called a Commission of Oyer and Terminer, which, in ancient French, means a Commission to "hear and determine." It is directed to the Lord Chancellor, several high officers of State, resident noblemen, and Magistrates, and two Judges, together with the King's or Queen's Counsel, and the Sergeants-at-Law who happen to attach themselves to certain circuits, and the Prothonotary or Associate of the Judge resident in the county; it authorises those commissioned to enquire into the truth of all charges of treason, felony, and misdemeanour committed within the several counties and places which constitute their circuits, and also to hear and determine the same on certain days, and at certain places, to be appointed by themselves. A second Commission of General Gaol Delivery is also directed to the Judges attending each circuit, the King's or Queen's Counsel, the Sergeants, and the Judges' Associates; it is in the nature of a letter from the Sovereign commanding those named in the Commission to deliver the gaol of the place named in the Commission of all the prisoners confined in it; and it also informs them that the Sheriff of the County, who has control of the gaols, is commanded to bring the prisoners before them on a day to be named by the Commissioners themselves.

The Judges going circuit have, also by statute, powers to try causes of difference between private persons, as well as to try prisoners, and when so acting, they are called Judges of Nisi Prius. The meaning of this description, "Nisi Prius," which literally interpreted means "unless before," is easy to be understood. Before the time when the practice of Judges going on circuit was thoroughly established, the Sheriff of the County where the cause arose was commanded to bring the jury and witnesses to Westminster to try the action; but when the attendance of Judges in the country had become not uncommon, the writ to the Sheriff contained what is known as a clause of Nisi Prius, and ran:—

"We command you that you cause to come before our Justices at Westminster, on the morrow of All Souls, twelve lawful men who, etc., unless before (*nisi prius*) that day A. B. and C. D., our Justices assigned

OYER AND
TERMINER.

NISI PRIUS.

for that purpose, shall come to your county to take the assizes there."

Until recently this form was still observed ; but the Sheriff never had to bring his jury and witnesses to Westminster, because the day named in the writ was always later than that fixed for the Judge to attend on circuit. The phrase "*Nisi Prius*" has now come to be used as a description of the causes tried by the Judges in these circumstances. It will, however, suffice for the purpose of this work to distinguish only between civil and criminal cases.

THE CANCELLARIA.

There was yet another department of the *Aula Regis*, besides those referred to above, called the *Cancellaria*, in which were prepared the writs and precepts for conducting the business of the Court, and ultimately became known as the Court of Chancery. It was presided over by the King's Chancellor, who in those days was of subordinate rank, although he sat with the other Judges in the *Aula Regis*. He was originally the King's chief Chaplain or Secretary, and supervised all Royal grants and charters made by the Sovereign. The nature of his duties brought him much into personal communication with the King, and when the office of Chief Justiciar was put an end to, and the three Courts took the place of the *Aula Regis*, the *Cancellaria* still remained a part of the King's Court, and the Chancellor still remained near the person of the King. In time, he naturally became his Prime Minister, and thus we have the origin of the political office of Lord Chancellor described in the chapter on "The Cabinet and the Government."

COURT OF CHANCERY.

The Court of Chancery arose out of the administrative duties of the Chancellor. Having to supervise and issue the Royal Charters, he became their interpreter, when the powers exercised under them were disputed, and thus he determined cases of private wrong. Petitions for the settlement of similar questions were also presented to Parliament, and these multiplied so largely that it was thought best to constitute the Chancellor head of a Court for the purpose of authoritatively deciding all such matters, and he did so until recently, without a jury, in accordance with well-established rules, which

have gradually become moulded into what is known as Equity law, because the judgments were originally, and are still, based not so much on statutes as upon reason and natural right. The Court of Chancery was, for this reason, called a Court of Equity, and its jurisdiction an Equitable Jurisdiction.

The Court of Queen's Bench, the Court of Exchequer, and the Court of Common Pleas, administered the law according to what is known as the Common Law of the land, which includes that which is unwritten, and interpreted only by the decisions of the Courts, as well as that defined by Statutes. The Courts of Equity being guided by rules different from those of the Common Law Courts, the decisions of the two often conflicted, and efforts were made from time to time to unite them and make their decisions and practice agree. The actual union of the two sets of Courts, however, was not accomplished until the 1st November, 1875, when the Courts for the administration of the law in England were reconstituted under the title of the Supreme Court of Judicature, which, by the Acts of Parliament constituting it, is divided into two main divisions, entitled the High Court of Justice and the Court of Appeal.

THE
SUPREME
COURT OF
JUDICATURE

The High Court of Justice was first composed of the Lord Chancellor, the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of Common Pleas, the Lord Chief Baron of Exchequer, the several Vice-Chancellors of the Court of Chancery, the Judge of the Court of Probate, the several *puisne* or junior Justices of the King's Bench, the several *puisne* or junior Judges of the Common Pleas, the several junior Barons of the Exchequer, and the Judge of the High Court of Admiralty. Though forming one Court in which each Judge had equal jurisdiction with another, the various divisions corresponding with and distinguished by the names which each branch of the Judicature formerly held were continued, and the causes tried in these divisions were more or less appropriate to the historical associations and ancient jurisdictions. These divisions, however, continued only so long as the holders of the various offices remained on the Bench,

when each minor distinction was abolished, as the Judicature Act provides, by an Order in Council. The office of Lord Chancellor continues as already described, so also does that of the Lord Chief Justice of England, and of the Master of the Rolls, but there are now no other distinctive Judgeships.

The Judges of the Supreme Court of Judicature try only the most important cases. All the more trifling matters are disposed of as they arise in the County Courts, or by the Justices of the Peace, or Magistrates, and those associated with them, to dispense justice in the places where they reside.

JUSTICES OF THE PEACE. Throughout the country, in every city or town, and within easy reach of every village, may be found a representative of the Crown in the person of a resident Magistrate, or Justice of the Peace. Justices were first appointed in the reign of Edward III. His mother, Isabella, immediately upon his coming to the throne sent writs to the different Sheriffs, stating that his accession had taken place with his father's consent, and commanding that the peace be kept on pain of disinherittance, and loss of life and limb. A few weeks afterwards it was ordained that, for the better keeping of the peace in every county, good and lawful men should be assigned to keep the peace. They were accordingly appointed by the Crown, and so are to this day, except that the elected Mayor and Aldermen of the City of London and the Mayors of incorporated towns are also Magistrates, though not County Justices, by virtue of their office.

County Justices are now appointed by Commission, from among the most worthy gentlemen resident in the county in which they have jurisdiction. Their powers are all set forth by Acts of Parliament constituting them authorities in the matters they administer, but their most important duty is still the preservation of order in their respective neighbourhoods and the dispensing of justice. For the latter purpose they sit in Petty Sessions to hear and decide complaints, to consider charges against persons in the custody of the police, to commit them to prison, if convicted, in certain cases of small degree, or to await trial by a

superior Court in graver cases. This superior Court may be the Court of Quarter Sessions held by the Justices themselves once in every three months, or in still graver cases the prisoner may be committed for trial at the Assizes. But to ensure that on the one hand the Justices do not refuse justice when they have it in their power to grant it, and on the other do not exceed their powers and act with partial, corrupt, or malicious motive, suitors who feel they have cause may appeal against their decision to the Supreme Court of Judicature, which exercises a general superintendence over all who administer the general law of the country. If they have right on their side, the offending Justice will, in the one case, be compelled to do what he had before refused, and in the other, if his motives be proved corrupt, he will be liable to fine and imprisonment, and removal from the Commission of the Peace.

COURT OF
QUARTER
SESSIONS.

Every meeting of the Court of Quarter Sessions is attended by the Custos Rotulorum, that Justice of the Peace who keeps the rolls of the local Courts. He is not bound, however, to attend in person, and may send a deputy.

CUSTOS
ROTULORUM.

The Magistrates of the larger towns usually have associated with them for the hearing of complaints Stipendiary Magistrates, who, as their name implies, are paid for their services; and also Recorders, who are appointed to preside at the Borough Sessions, and conduct trials in all respects as a Judge, except that all cases of difficulty—that is, all graver cases—are reserved for the Assizes. The Police Magistrates who sit daily in London and Westminster are Stipendiary Magistrates, but the Recorder of the City of London is an officer of some antiquity, appointed by the Lord Mayor and Court of Aldermen by prescriptive right, but neither he nor his deputy, the Common Sergeant, can try cases until their appointments have first been endorsed by the Crown. The title of Recorder arises from the fact that the first charter of Edward IV. to the City of London grants that the customs of the City be certified and “recorded” by word of mouth, and that the Mayor and Aldermen may declare by the Recorder what the custom is in disputed cases. Special provision is made

for the County of Middlesex also in lieu of Assizes, on account of the large number of cases arising in the City and its suburbs. The Central Criminal Court, consisting of the Lord Mayor, the Lord Chancellor, and the other Judges of the Supreme Court of Judicature, the Judge in Bankruptcy, the Aldermen of the City of London, the Recorder, the Common Sergeant of the City, who acts as Deputy Recorder, and the Judge of the Sheriffs' Courts, holds sessions at least twelve times a year, and tries all prisoners committed by the Magistrates in London and Middlesex, and in certain parts of Essex, Kent and Surrey. Prisoners charged with petty offences are dealt with by the County Justices.

THE LORD The Justices are, in some cases, subject to the Lord
LIEUTENANT. Lieutenant of their county, an officer of great distinction and generally a Peer, appointed to manage the militia of the county and all military matters therein. They recommend the minor officers of the militia, and present to the Sovereign the names of those fit to fill the office of Deputy Lieutenant; they also recommend who shall be appointed Justices of the Peace, but this forms no part of their duty, strictly speaking.

THE The officer, however, who has most to do with the
SHERIFF. execution of the law in his county is the Sheriff. He is, in fact, the first man in his county during his year of office, and takes precedence there of even Peers of the Realm. He represents, too, an office of greater antiquity than any other, except that of the King. The duties of all other officers of State have changed, or been entirely abolished, but the Sheriff is still the officer who levies fines due to the State, and he is still a conservator of the peace, although he may not act as a Justice during his year of office.

In the earliest Saxon times of which we have any record, we read of the Shire-Reve, a title taken, in part, from the Saxon word *reafan*: to levy or seize. He then represented the lord of the district within which he levied the lord's dues and performed some of his judicial functions. He does the same now for the King. He was sometimes appointed by the lord, but more often elected by the freeholders of the district. He is now appointed by the Sovereign, except in those cases which

are regulated by special charter. The freemen of the City of London, for instance, still have the perpetual right to elect the Sheriff of Middlesex. The common method of appointment, however, is for the Lord Chancellor, the First Lord of the Treasury, and the Chancellor of the Exchequer, together with the Judges, to meet early in November, to consider who shall be appointed Sheriff in each county for the year. The Judges report the names of three fit persons in each county, obtained by them from the Sheriff holding office when they last visited the county as Judges of Assize. The first of these is usually chosen, and the list so made is considered by the Cabinet early in the following year. If any of those nominated desire to be excused from serving, the grounds of their excuse are examined, and the list finally determined on is submitted to the approval of the Sovereign, at a meeting of the Privy Council, when the ceremony of "pricking the Sheriffs" is gone through. The names being all written on sheets of vellum, the Sovereign pierces a hole through the parchment with a punch, opposite the name of the person appointed for each county; and this puncture denotes to whom the patents of office are to be issued.

A Sheriff derives his authority from two patents, one committing to him the custody of the county, and the other commanding the inhabitants to aid him. His duties are numerous, and he has power to appoint an Under-Sheriff to help him; he is also obliged to have an agent in London. The county gaol is under his control; he has power to apprehend all wrongdoers; he summons the juries to try prisoners, receives and constantly attends the Judges when they arrive in his county as Judges of Assize, carries out the sentence of the law, receives all fines due to the Crown, and renders account of them; he acts as returning officer in the election of members to serve in Parliament, and therefore cannot himself represent his county in Parliament. During his year of office he presides in his own Court as a Judge, and decides certain small causes of disputed right. In times of riot, rebellion, or invasion, he has to defend the county, and with this object may summon to his aid all men within it over fifteen years

of age. This assembly is called the *posse comitatus*, and to refuse obedience to the call of the Sheriff is an offence punishable by fine and imprisonment. The onerous character of the office, coupled with the fact that severe penalties are attached to any neglect or breach of its duties, causes some to shrink from undertaking it, but unless they can find a good excuse for refusing to serve they are fined heavily, and may be called on again and again. One, however, who has served is not liable to be called on again until after the lapse of three years, unless no other person can be found in the shire of sufficient substance for the office.

The course pursued in the conduct of trials before the Judges of Assize, before the Central Criminal Court, sitting at the Old Bailey, before the Recorders in Borough Sessions, or the Chairman of the Justices sitting in Quarter Sessions, is the same in all material points. If, therefore, we follow the course pursued at the Assizes, we shall see in what manner justice is administered throughout the country.

QUALIFICA-
TION OF
JURORS.

The Sheriff, having ascertained from the Associate when the Judge is expected, goes to meet him, and attends him as long as he makes circuit within his county. Upon his arrival in each town, he accompanies him to the Court House, when the ceremony of reading the Commissions is gone through, authorising the Judge to act. This done, the Judge may at once proceed to the trial of causes and prisoners, or he may adjourn the Court until another day. He usually adjourns Court until the next day, when the first step taken is to swear the Grand Jury, whose attendance the Sheriff will have secured. Common jurors will also have been summoned by him and be in attendance. All men between the ages of twenty-one and sixty, who are freeholders, or who rent houses of the value of £30, in Middlesex, and £20 elsewhere, are liable to be called on to sit as jurors, unless they be Peers, Judges, clergymen, Roman Catholic priests, dissenting ministers following no other occupation except that of schoolmaster, sergeants and barristers-at-law, attorneys, proctors, officers of courts, coroners, gaolers, physicians, surgeons, apothecaries, officers in the Army and Navy on full pay, licensed

pilots, masters of vessels in the buoy and light service, household servants of the Sovereign, officers of customs and excise, sheriffs' officers, high constables and parish clerks.

The Grand Jury must consist of at least twelve men ; THE GRAND JURY.
 it however generally numbers more, and is usually composed of men occupying a somewhat higher position in life than common jurors. The Grand Jury having been sworn, the Clerk of the Court reads the Royal Proclamation against vice and immorality, after which the Judge charges the Grand Jury, reviewing the more important cases that await trial, and explaining points of law upon which they may need information. The Grand Jury then retire to their room, where they are furnished with a separate bill of indictment against each prisoner, stating the offence with which he is charged, and how he comes before the Court, and having inscribed on the back of it the names of the principal witnesses who appear in reference to the matter. Having examined each witness in turn, no one else being present, the Grand Jury consider whether the bill of indictment is a true bill or not. If a majority of at least twelve of their number decide that the evidence they have heard, being uncontradicted, would be sufficient to prove the guilt of the prisoner, the bill is endorsed "A true bill," or they may say the bill is true in some respects, and not true in others, or they may amend the bill, and return it "A true bill" as amended. A TRUE BILL.
 If less than twelve think the evidence sufficient, they endorse the bill "*Ignoramus*:" "We do not know," whence comes the phrase, "ignoring a bill." The more common endorsement, however, is "No true bill," and when this is the finding of the Grand Jury, the prisoner is free. He may, however, be again apprehended at some future time, and put upon his trial for the same offence, whereas, if his case had proceeded to trial, and he had been acquitted, he could not; for when once a man has been tried and acquitted, he cannot be again charged with the same offence, no matter what proof of his guilt may be afterwards discovered.

The Grand Jury, from time to time, as they proceed with their work, return into Court, bringing the bills

with them ; and the Clerk, in their presence, reads the name of the prisoner on each bill, and the finding of the Grand Jury endorsed on the back of it. When they have considered and endorsed all the bills of indictment they are dismissed ; but before retiring they may make any presentment they think fit touching the public welfare.

All those prisoners against whom true bills have been found have now to be tried, and must be brought to the bar. If in custody, a prisoner will be brought up by the gaoler, and, if he should have been permitted by the authority who committed him to go at large on bail, between the time of his commitment and his trial, some of his friends having been surety for him, he will probably appear of his own accord. If not, his friends will forfeit their bail, and the Sheriff will seize their goods if they do not pay. But although those indicted are kept in safe custody, every man, according to the English law, is presumed to be innocent until pronounced guilty by the Jury. This does not mean that the law holds his innocence to be more probable than his guilt, but merely that the burden of proof lies upon the accusers—not that the prisoner has to prove his innocence, but that his accusers have to prove his guilt. This, also, is the principle which forbids that any should be punished before conviction. The detention of a person in custody awaiting his trial must be regarded as a security for the public, not as a punishment of the person detained.

Let us suppose one of those against whom the Grand Jury has found a true bill is indicted for embezzlement, inasmuch as he has been charged with having stolen some money belonging to one who has employed and trusted him. Offences of this character are dealt with by the law with great rigour, because if they were common, they would render the conduct of business impossible by preventing all confidence between employer and employed. The prisoner so indicted having been placed at the bar is called upon to plead “ Guilty,” or “ Not Guilty.” If he plead “ Guilty ” the plea is recorded and the Judge passes sentence. If “ Not Guilty ” a Jury is called to try the case as

between the Crown and the prisoner, for the prisoner if guilty is held to have done injury to the community by committing this wrong, and the Sovereign, anxious for the welfare of the people prosecutes.

This is the time for the prisoner to object to any of the Jury who are to try him, for it is held that inasmuch as the fate of the prisoner depends upon the men composing the Jury, justice requires he should have something to say in regard to the choice of them. Accordingly the law gives him the right to challenge them. He must do so as their names are called and before they are sworn. He may challenge the whole array or list of jurors on the ground of some partiality or default on the part of the Sheriff; or he may challenge jurors singly, either on the ground of incompetency if, for instance they be aliens, or otherwise unqualified by law, or of bias, or partiality, or of infamy through having been convicted of some crime; and in each case the ground of objection, must, if required, be shown to the Court. In cases of capital charges the prisoner may challenge thirty-five jurors peremptorily—that is, without giving any reason. The King as prosecutor, however, must show his reason for challenging in all cases, unless twelve jurors can be found in Court to whom he does not object.

JURYMEN
CAN BE
CHALLENGED.

Twelve accepted jurors having been sworn, the case proceeds. The Crown will be represented by a barrister, so called because he is admitted by one of the Inns of Court to plead causes at the bar. Acting in this capacity he would be styled counsel for the prosecution, and might be nominated by the person who actually prosecutes in the name of the Crown. If not, he would be appointed by the Court and paid by the county. It is his duty to explain the matter of the indictment to the jury, and then to examine the witnesses in support of it. All this must be done in the presence of the prisoner, who is at liberty to conduct his own defence, or be represented by a barrister as he chooses. He must do either one or the other, and is never allowed to do both at the same time. If he be quite without means, and ask for counsel, the Court commissions a barrister to defend him without cost to himself; or, if the matter

be small, the Judge himself cross-examines the witnesses for him, and generally sees he is treated fairly.

WITNESSES. The witnesses must, in all cases, speak of what they have seen or know. They must not tell of what they have heard, or what they suppose, or think likely, but what they can certify to as a matter of fact within their knowledge; nor may they relate any conversation except such as occurred with, or in the presence of the prisoner. This is but fair to the prisoner, because he could not in reason be asked to procure evidence to contradict that of which he could have no knowledge, and it is clear that, if descriptions of conversations other than those which occurred in the presence of the prisoner were allowed, they would soon lead beyond the matter in dispute and make the case interminable.

In the case supposed, there would probably be evidence of the prisoner's having received the money, of his having spent, or had in his possession more money than was usual with him, and evidence also that the money he received was not paid over to the proper person. Now, perhaps the person who paid the money to the prisoner might have heard, upon the day after he had paid it, that it was not paid over to the person for whom it was intended; but, although this might be perfectly true, and although the witness might be perfectly convinced of its truth, he could not give evidence of the fact, because he would be speaking only from hearsay. Much less would he be allowed to say how he became possessed of the information. The man who should have received the money from the prisoner might have told him, and he would probably be able to give a full account of all that passed between them. This, however, would be no evidence against the prisoner; it would be evidence only of the opinion of the two persons conversing. If, however, the statement in question was made to the witness in the presence of the prisoner, his description of what occurred would be evidence, and what the prisoner said in reply would also be evidence.

The Court will allow nothing but personal knowledge of facts to be spoken against a prisoner, nor does the law allow the prisoner himself to be questioned against

his will. He may, however, by recent statutes, tender himself as a witness on his own behalf in certain cases.

As soon as a witness has completed his statement as against the prisoner, it is open to the counsel for the defence, or the prisoner if there be no counsel, to cross-examine him, and, thereafter, he may be re-examined, but only upon matter respecting which he has been cross-examined. He may then be again cross-examined, but only respecting points upon which questions were asked in re-examination, and in this way the examination may be continued, but no fresh matter may be imported into it except by the Judge or Jury, who may ask what questions they please to elicit the truth. It has been said that "some barristers who are more intent on their own credit for ability than on keeping to what is right and fair, will sometimes endeavour to bewilder and perplex an honest witness, or to intimidate and, as it is called, ' browbeat ' him by harsh language or by charging him with bad motives. It is the duty of the Judge, whenever anything of this kind is attempted, to rebuke and check it."

CROSS-
EXAMINA-
TION AND
RE-EXAMINA-
TION.

All the witnesses for the prosecution having been examined, it is then competent for the prisoner or his counsel to address the jury and to call witnesses to show he is not guilty by disproving, if possible, what the other witnesses have said. And when these witnesses have been cross-examined, the counsel for the defence reviews the evidence and does his best to show the weakness of the case against the prisoner ; after which the counsel for the Crown does his best to show the strength of his case and the weakness of the defence. The Judge then sums up the whole case, pointing out to the jury the most weighty pieces of evidence, where contradictions are evident, and where they are only seeming differences ; but in all cases leaving the jury to say which of the two conflicting statements is true. The Judge will also explain the law by which the jury must be guided, and he may comment upon the demeanour of the witnesses and express an opinion as to which of them is most worthy of credence, but in all this he will be merely advising the jury ; the decision

rests with them, and it must be their own decision absolutely.

If the case is clear, the facts well proven, and no doubt exist in the minds of any of the jurors, they may at once return their verdict. If, however, any among them doubt, they retire to deliberate. For this purpose they are given into the charge of an usher of the Court, who is sworn to keep them in safe custody, and not to allow them food, fire, nor candle light, nor to suffer anyone to speak to them, nor even to speak to them himself, save to ask whether they have agreed on their verdict. The usher so sworn conducts them to a jury room and locks them in until they have agreed on their verdict, which must be unanimous, and, therefore, in some cases not easily arrived at. Sometimes juries have been locked up the whole night without agreeing, but this is seldom done, for when it is found there is little hope of their agreeing, or when fears are entertained of the health of any of them, the Judge may dismiss them, and the prisoner has to be tried again.

When the jury have agreed, they are conducted into Court by the usher in charge of them, who is questioned touching his observance of the oath he took, and then the Clerk of the Court calls upon the jury to say whether the prisoner at the bar is guilty or not guilty. The foreman of the jury answers, and if he says "Not Guilty," the prisoner is free, if "Guilty," the Judge proceeds to pass sentence according to law.

NOT
PROVEN.

In Scotland the jury are allowed to return a verdict of "Not Proven," when they feel they have not sufficient evidence of the prisoner's guilt to justify a conviction, but yet are not satisfied of his innocence, so that when in Scotland the jury return a verdict of "Not Guilty," it means the jury think him innocent, while in England it may mean only that they are not satisfied of his guilt.

A verdict of "Guilty" transforms a man into a convicted criminal, but the verdict is that of the jury, twelve free men, perhaps of the convict's own station in life; it is not the verdict of the Judge, nor the Sovereign, nor any person in permanent authority; and throughout the trial has been conducted on lines

favourable to the prisoner. Nor is the punishment accorded that he may suffer. Distress of body and mind are inevitable consequences of punishment, but it is not with that object, primarily, that punishment is inflicted. If it were so, the community would be guilty of punishing from feelings of revenge. The first object in view in the administration of criminal justice is the protection of the community, and it is because the prospect of punishment deters some from evil courses, who would otherwise do criminal acts, that punishment is inflicted. Punishment is also designed to reform those upon whom it falls, but this must ever be a subordinate object, and cannot be persisted in at the risk of sacrificing the chief end of punishment—namely, prevention.

The course of procedure in the conduct of a civil action differs according to the nature of the action, and the Court in which it is tried; but, generally, the plaintiff bringing the action states his case, or has it stated by his counsel, who also examines his witnesses in support of it. The defendant, or his counsel, states his case and examines his witnesses, and the Judge, if the trial be conducted before a Judge, or the Chairman, if the case be such as comes within the jurisdiction of the Court of Quarter Sessions, reviews the whole of the evidence in giving the jury charge of the matter. The jury then returns a verdict upon the evidence, and the Judge or Chairman gives judgment accordingly. In a civil action both parties stand before the Court on equal terms; neither of them is in peril, therefore favour is shown to neither.

CIVIL
ACTIONS.

Should a suitor feel he has not had justice done him, he has, in most cases, the opportunity of appealing to some Court other than that in which the action was tried. The Court to which he appeals is determined by the nature of the action and the place where it was tried.

POWER OF
APPEAL.

Formerly, suitors had the opportunity of making numerous appeals, so that a rich suitor could tire out a poor one by carrying his case from Court to Court; but the tendency of recent legislation has been to restrict the opportunities of appeal, and wherever

possible, without doing injustice, to take away the power of appeal altogether.

Appeals from India and the Colonies are all made to the Sovereign in Council, and are referred to the Judicial Committee of the Privy Council, who hear the arguments and the evidence in the case, and thereafter advise the Sovereign what decision to come to. The Sovereign, in accordance with that advice, passes judgment. The Judicial Committee of the Privy Council consists of such Privy Councillors as are learned in the law, and includes all ex-Lord Chancellors, and such of the Judges as may be Privy Councillors. The theory is that this appeal is made to the Sovereign in person, and that the Sovereign gives judgment ; but it has never, within recent years, been known that the Sovereign has personally interfered to influence the decision in any cases. The conclusion come to by the Privy Councillors who happen to consider the petition is always acted on by the Sovereign.

A convicted criminal has no appeal from the verdict of the jury ; he may, however, appeal against the Judge's interpretation of the law, when directing the jury, to the Court for Crown Cases Reserved, which generally consists of some Judges other than the Judge whose decision is appealed from. If he can prove the Judge wrong, the conviction is quashed. The sentence, however, may be commuted, or wholly remitted by the Sovereign, on the advice of the Home Secretary, even though the prisoner be convicted according to law. It is the King's prerogative to pardon, but it should be noticed that the prerogative is never exercised without some reason. If the reason is bad, or not clear upon the face of it, the expediency of the act may be called in question in Parliament, and the Home Secretary, in that case, would have to answer for the advice given to the Sovereign. The King can remit fines as well as punishment ; but, in the case of a civil action the Sovereign has no power to disturb the verdict. Whatever the jury award as damages to be paid by the defendant to the plaintiff must be paid together with the costs which may be allowed, unless the plaintiff forgive him.

THE KING'S
PREROGA-
TIVE OF
PARDON.

There is a further limit to the Royal prerogative of pardon. The Sovereign cannot pardon a breach of the Habeas Corpus Act, in respect of that clause which forbids the imprisonment of any person, beyond the seas, without trial ; nor a common nuisance committed by one subject against another ; nor an offence against a penal statute, after information has been brought, because the informer has acquired a private property in his part of the penalty.

If a man be found guilty of an offence by a jury, and facts afterwards come to light which prove him to be innocent, no matter how grave the charge against him may be, the verdict cannot be reversed, and there is no power by which he can be formally declared innocent ; the error can be corrected only by the Sovereign granting a free pardon.

The anomaly of a man receiving a free pardon for an offence which everyone knows he has never committed is so strange that, at first sight, it seems impossible to justify it. It can, however, be explained upon the basis of the fact that the law has always regarded the verdict of the jury in criminal cases as unquestionably right and unalterable. If powers were given to the Crown to reverse the verdict of the jury in cases where the innocence of the persons convicted was subsequently proven, the same power could not be withheld in the case of a person wrongfully acquitted in the estimation of the Sovereign. The Sovereign's power of review does not go further back than the verdict of the jury, but as it is almost impossible to place before the same jury as passed the verdict the new facts which have come to light, it is held to be wiser, and certainly it is more expeditious, to remit the penalty by a so-called free pardon. The sentence, too, may be commuted to a single day's imprisonment, if the Sovereign be so advised.

The Court of Probate, which decides all cases of disputed wills, and also disposes of all suits in matrimonial causes, sits in London only. It forms with the High Court of Admiralty one of the divisions of the High Court of Justice.

COURT OF
PROBATE,
ADMIRALTY
AND
DIVORCE.

The power to annul marriages and otherwise to deal

with disputes between married persons was conferred on this Court by an Act passed in the year 1857.

The High Court of Admiralty also sits in London, and decides all cases arising on the high seas. It formerly had exclusive jurisdiction in respect of all acts done upon the coast if beyond low water mark, and of all acts done on the water between low and high water mark; but the Courts of Common Law took cognizance of the offences committed on the strand when the tide was out, but this exclusive jurisdiction is now theoretically at an end. All cases of seamen's wages, however, collision of ships, disputed ownership of vessels, charges for pilotage, salvage of wreck, and similar matters, come within the jurisdiction of the Court of Admiralty, and justify its continuance as a special department of the High Court of Justice.

When considering these cases the Judge is always assisted by two Elder Bretheren of the Trinity House, who sit on the Bench with him, and aid him on nautical points.

COURTS MARTIAL.

Courts Martial are composed of officers of the Army or Navy, and sit for the trial of alleged breaches of discipline on the part of officers or men. They are authorised by the Crown, under the provisions of the Mutiny Act, and the Marine Mutiny Act, passed each year. The officers of the service not only sit at the Court, but also give the verdict as a jury. Courts Martial are assisted in the conduct of business by the Judge Advocate-General, or his deputy, or one appointed by the President of the Court to act in his stead, who sits as assessor, and advises the Court on points of law.

JUDGE ADVOCATE- GENERAL.

The Mutiny Act, however, provides that nothing contained in it shall exempt any officer or soldier from being proceeded against in the ordinary Courts of Law for felony or misdemeanour, for the object of authorising Courts Martial is simply to secure the more ready punishment of breaches of discipline.

MINOR COURTS.

Besides the Superior Courts for the trial of graver matters, Courts have been established for the more speedy and less costly settlement of civil actions. All claims for small debts are tried in these Courts, which are very numerous, and sit at short intervals. The

matters coming before them may be tried either by the Judge alone, or by a jury at the option of the suitors. The jurisdiction of these Courts has been lately extended, and suits may now be decided in them which formerly could only be tried in the Court of Chancery. The County Courts have an Admiralty jurisdiction, and the County Court Judges also sit as Judges in Bankruptcy.

The Courts of Bankruptcy are resorted to by persons who cannot pay their debts, and who cannot make an arrangement with their creditors. The chief point to which the Judges of these Courts direct their attention is to see that the bankrupt makes a full disclosure of all his property for the benefit of his creditors ; to afford him relief if he has become bankrupt by reason of misfortune and to delay relief if his bankruptcy is the result of reckless trading or dishonest practices on his part. Some traders have so little regard for the interests of others that they will buy goods upon credit for which they have no prospect of ever being able to pay, and will sell those goods for less than they cost, in order to provide themselves with money for some present necessity. This is morally as dishonest as theft, and it is against practices such as this that the Judges in Bankruptcy are appointed to protect the honest trader.

The office of Coroner is of great antiquity, and was once as distinguished as that of the Sheriff. As late as Edward III. none but knights were appointed to the office, but, in these days, its duties being almost confined to enquiring as to the cause of any sudden or violent death, it is usual to appoint lawyers or medical men. And since the Coroner is appointed in the interest of the community, and for the protection of those in the district, he has, from the earliest times, been elected by the freeholders of the County Court in answer to a writ from the Sovereign to the Sheriff. He is appointed for life, but may be removed by the Crown for neglect of duty. There are usually four Coroners in each county, but in several cases additional Coroners have been appointed on a representation being made by the Magistrates to the Lord Chancellor that they were necessary. The duties of the Coroner are set forth in a statute passed in the fourth year of the Reign of Edward I., which is

THE
CORONER.

still the law of the land, and which says, among other things, "the Coroner, upon information, shall go to the places where there are any slain, or suddenly dead, or wounded, and shall forthwith command four of the next town, or five, or six, to appear before him in such a place; and when they are come thither, the Coroner, upon the oath of them, shall enquire into this matter." The jury summoned by the Coroner in these days, however, numbers at least twelve.

In case of death on the high seas, the inquest is held by the Admiralty Coroner, who is appointed by the First Lord of the Admiralty, to whom the Coroner makes a return of the results of his inquiries.

The Coroner sometimes acts in the place of the Sheriff, in cases, for instance, when the personal interest of the latter in the matter to be administered might give rise to a suspicion of partiality.

MASTER OF
THE ROLLS.

The Master of the Rolls, besides holding office as a Chancery Judge, is also Keeper of the Public Records, or guardian of the national archives, of which the Domesday Book may be regarded as the most ancient and the most notorious. Generally they may be said to consist of contemporaneous statements, the proceedings in the higher Courts of Law, and of ancient but authentic memorials of all branches of the Government, constitutional, judicial, parliamentary, and fiscal, from which historians are able to gather together the history of our progress as a people during at least eight centuries. These records are written upon parchment from nine to eighteen inches wide. In some cases the various skins lay one upon another, the whole being fastened together at the top by thongs, and in others they are sewn together, the top of one being upon the bottom of the other, so as to form a continuous roll, after the custom of the Jews. The Domesday Book, however, is formed of two volumes bound in the same shape as an ordinary publication of the present day. The first volume consists of 382 folio pages, and the second of 450 pages half the size.

DOMESDAY
BOOK.

THE KING'S
REMEM-
BRANCER.

The King's Remembrancer is appointed to remind the Commissioners of the Treasury of such things as are to be done for the Sovereign's benefit. Before the alienation

from the Sovereign of the hereditary dues, this officer occupied a far more important position than he does now. He is, however, still associated with the Central Office of the Supreme Court, in its position as a Court of Revenue, and concerns himself in certain actions in that Court between private persons, on the plea that the plaintiff is less able to pay his debts due to the Crown, in the shape of taxes, on account of the alleged wrong done him by the defendant to the action. He also transacts much of the formal business connected with the Court of Exchequer, and in his office registers all transfers of land to the Crown. His salary is £2,000 a year.

There is also a Remembrancer of the City of London, who keeps the Lord Mayor and Corporation informed of all matters before Parliament and the Privy Council and Treasury Boards, in which they are concerned. He has to give daily attendance in Parliament, to examine all the Bills presented in either House, and to report on such as are likely to affect the interest or privileges of the city. For this purpose the officers of both Houses are required to give him facilities of admission, and for purposes of identification by them he sometimes wears a medal bearing the city arms. He also makes the necessary arrangements for the presentation of addresses from the City to the Sovereign, or Houses of Parliament.

CITY
REMEM-
BRANCER.

Revising Barristers are officers appointed to hold Courts in the autumn throughout the country, for the purpose of revising the lists of voters for members of Parliament. If their decisions are appealed from, the High Court decides the disputed point.

REVISING
BARRISTERS.

The title of King's Counsel is an honourable distinction conferred upon Barristers who are deemed worthy of it by the Lord Chancellor. By being nominated King's Counsel, they are called within the bar, and are supposed to be retained in behalf of the Crown in all cases in which the State is concerned. By special license, which is seldom refused, they may, however, appear for suitors as against the Crown. When practising in the Courts they are called "Leaders" and have associated with them junior members of the bar, who prepare the cases for their consideration.

KING'S
COUNSEL.

SERGEANT-AT-LAW. The title of Sergeant-at-Law is an honourable distinction or degree conferred upon Barristers, which once carried with it substantial privileges ; but the order is now abolished.

COURT OF SESSIONS. The jurisdiction of the Judges of the Superior Courts at Westminster is confined to England and Wales. In Ireland, justice is dispensed in accordance with a system almost identical with that of England, but the chief Court of Scotland is known as the Court of Sessions, and consists of the Lord President, the Lord Justice Clerk, and eleven ordinary Judges. The basis of Scotch law is that of the old Roman law, and the procedure is wholly different from that of the English Courts. There is, however, power of appeal from both the Irish and Scotch Courts to the House of Lords.

CHAPTER XII.

NON-POLITICAL DEPARTMENTS.

ALL the Departments of the State described in previous chapters, are controlled by Ministers whose appointment depends upon political considerations. There are numerous other Departments whose chiefs hold their positions without any regard to their political opinions, and retain them during good behaviour in the same way as those appointed to administer justice. Many of them, however, are more or less subject to one or others of the Political Departments.

THE TRINITY HOUSE. The most ancient of these Departments, and that which has the most extensive jurisdiction, is the Trinity House, recently made subject, in matters of finance, to the Board of Trade. The Trinity House was formally established by Sir Thomas Spert in 1514, and incorporated by Royal Charter, granted by Henry VIII.

in the following year, but it is believed to have existed long before as an association for the protection of maritime interests. The Charter granted by Henry VIII. gave it authority to license and control pilots, and to erect beacons, lighthouses and buoys along the coast for the guidance of mariners approaching our shores, duties which the Corporation discharges to this day.

The earliest records of sea marks speak only of buoys and beacons in the River Tees and the Yarmouth Roads, and watch towers, surmounted by burning coal, for the guidance of ships entering the harbour. The earliest record of a sea light for the guidance of passing ships is as late as the year 1600, when two lighthouses were erected by the Trinity House at Caister, in Norfolk. For the maintenance of these lights and buoys the Trinity House has power to levy dues, regulated by Act of Parliament, from ships entering the ports.

The affairs of the Trinity House are managed by a Court composed of the Master, four Wardens, eight Assistants, and eighteen Elder Bretheren, making in all thirty-one. Some of the Elder Bretheren are men brought up to the Maritime Service, the remainder are persons of distinction, members of the Royal Family, Ministers of State, and Naval Officers of high rank. The official acts of the Corporation are done by the Master's Deputy, who is elected annually from among the Elder Bretheren.

A number of Commissions have been constituted from time to time by the authority of Acts of Parliament for the purpose of carrying out the intention of the Legislature. Among these are the Civil Service Commissioners, who examine all candidates for junior positions in the Civil Service, and who grant certificates of competency to such as satisfy these requirements. The Commissioners are two in number, and they act under an Order in Council made in 1855, which prescribes the rules by which they shall conduct their examinations.

The Commissioners for the Reduction of the National Debt include the Chancellor of the Exchequer, the Master of the Rolls, the Speaker of the House of Commons, the Governor and Deputy Governor of the

CIVIL
SERVICE
COM-
MISSIONERS.

REDUCTION
OF THE
NATIONAL
DEBT.

Bank of England, and the Accountant-General of the Court of Chancery, whose duty it is to keep account of all money paid into the Court by suitors. They are represented by the Comptroller-General, who transacts the business of the Department.

BOARD OF
INLAND
REVENUE.

The collections of Excise Duties on articles manufactured in this country, the issue of postage, receipt, or legal stamps, and the collections of ordinary taxes is managed by the Board of Inland Revenue, who act under the Chancellor of the Exchequer. It consists of a Chairman and Deputy Chairman and four Commissioners, and sits at Somerset House. This Board controls all the collectors of taxes throughout the country, and prosecutes in cases where persons attempt to evade payment.

BOARD OF
CUSTOMS.

The Board of Customs consists of six Commissioners, who, assisted by a large staff of clerks, manage the receipt of duties on exports and imports, and the payment of drawbacks, in cases where the duty has to be returned. Every seaport has its Custom House, but the Chief Commissioners sit at the Custom House near the Tower of London.

COMMISSIONERS OF
WOODS AND
FORESTS.

The Commissioners of Woods and Forests manage the Royal forests and woodlands and other Crown property, as distinguished from Royal palaces and public buildings, which are under the First Commissioner of Works, a political officer. They are subject to the Lords of the Treasury, to whom they have to submit proposals to sell or purchase land.

CHARITY
COMMISSIONERS.

The Charity Commissioners are appointed by statute passed in 1853. They have power to permit property held by charities to be used in a way different from that originally designed by those who established the charity. They could, for instance, allow persons holding money, in trust, to provide pensions for certain persons, to build a hospital with that money, or endow a school.

ENDOWED
SCHOOL COMMISSIONERS.

The Endowed School Commissioners, acting under statute, have power to alter the constitution of endowed schools within certain limits, and to vary the application of the endowment possessed by such schools in a manner different from that designed by their founders. But the proposals of the Commissioners must lie upon the table

of the Houses of Parliament for a given time before they can come into operation, and if objected to by either House, they cannot have the force of law.

There is also an Ecclesiastical Commission which is empowered to manage certain property belonging to the Church of England, and to re-adjust the incomes of those holding offices in the Church. The chief dignitaries of the State are included in the Commission, but the business is chiefly managed by two paid Commissioners.

ECCLESIASTICAL
COMMISSIONERS.

CHAPTER XIII.—CONVOCATION.

CONVOCATION is the assembly of the Representative Clergy of the Established Church of England. There is a separate Convocation for each Province : that for the Province of Canterbury consists of two Houses, that for York of only one. The Upper House of Convocation of the Province of Canterbury is composed of the Archbishops and Bishops, and the Lower House, of the Deans, the Archdeacons and one Proctor for every Cathedral Chapter, together with two of the clergy returned by their fellows from every diocese, who are also called Proctors. Convocation is summoned by the Sovereign's writ, and is called together by Royal Proclamation each year soon after the assembling of Parliament. Formerly it took part in the making of laws for the regulation of Ecclesiastical matters under special license from the Sovereign, but it now only deliberates and recommends.

CONVOCATION.

The voting in Convocation is conducted and recorded by a prolocutor, elected for the purpose ; and in the Convocation of the Province of Canterbury the Prolocutor is the means of communication between the Upper and Lower House.

CHAPTER XIV.—LOCAL ADMINISTRATION.

IN the preceding chapters we have dealt only with the Imperial administration of the law. In this chapter we purpose reviewing the machinery by which the local affairs of the country are administered.

COUNTY AND
PARISH
COUNCILS.

In the term "Local Governing Bodies" we include all those entrusted with the management of affairs within a limited area ; they are very numerous, but the chief of them may be classified under four heads ; the County and Parish Councils, elected bodies empowered to regulate the affairs of suburban and rural districts ; the Corporations of cities and boroughs ; the Commissioners entrusted with the management of affairs in unincorporated towns ; the Boards of Guardians and Overseers of the Poor, who administer the Poor Law.

The City of London proper, which does not include the whole of the metropolis, but only such portions of it as were formerly within the City walls, is governed in a manner altogether peculiar to itself. It has numerous charters, conferring upon it privileges in return for signal services done to the State, or in expectation of gaining the goodwill of the citizens. London was prosperous before the time of William I. ; the citizens were free men, and enjoyed "all the legal rights and privileges which in that age distinguished men of the first rank ;" they were also "governed by their own Magistrates, and amenable only to their own Courts." The Conqueror, anxious to conciliate so powerful a body, lost no time in getting the citizens to his side ; and we read of his granting them a charter, which is still kept among the City Archives in the Guildhall. It consists of a small slip of parchment declaring that the citizens should be held "law worthy as they were in King Edward's days," which, according to high authority, meant that they should be deemed worthy to enjoy all the privileges their laws and customs conferred upon them. His

successors gave fresh charters from time to time ; King John gave no less than five ; and although attempts have been made to cancel them the citizens have always steadily resisted, and generally succeeded in retaining their privileges, so that the government of the City is founded in the present day upon precisely the same leading principles as characterised it in the days of King Alfred.

The governing body of the City is described as the Lord Mayor, Aldermen and Commons of the City of London in Common Council assembled. There are twenty-six Aldermen, including the Lord Mayor, or one for each ward, and 240 Common Councilmen, making 266 in all. Aldermen are elected for life, and are by virtue of their office City Magistrates. Only freemen of the City who pay rates to the amount of thirty shillings per annum take part in their election, which must be held within fourteen days after a vacancy has occurred. A person elected to the office of Alderman is liable to a fine of £500 if he refuse to serve, but he is excused on his declaring he is not worth £30,000. Aldermen sit as Justices at the Mansion House with the Lord Mayor, and at Guildhall.

COMMON
COUNCIL.

The freemen of each of the twenty-six wards also elect representatives from among their number at periodical wardmotes or ward meetings to serve in the Common Council. The number returned by each ward, which are in some cases divided into precincts for election purposes, varies from four to seventeen, but the number does not now correspond with the wealth or population of the ward. A freeman elected Common Councilman would be subject to fine and disfranchisement if he refused to serve, but as the distinction is much coveted, few decline it.

The Lord Mayor of London is elected on the 29th of September in each year from among the Aldermen who have served the office of Sheriff. Two Aldermen are selected by the liverymen of the City—members of one of the City Guilds who are freemen—assembled in Common Hall, and submitted to the Court of Aldermen. The senior of the two is usually selected for the office. If he should refuse to serve he must pay a fine of £1,000.

LORD
MAYOR.

Having been elected, he is presented to the Lord Chancellor, who, in behalf of the Sovereign, signifies the Crown's approval of the choice made by the freemen. On the 9th of November following, the day upon which he enters upon his year of office, he goes in state to Westminster, and is presented by the Recorder to the Judges of the High Court, who receive him in their full robes of office, and require from him certain formal undertakings respecting the levying of dues in the City. The King's Remembrancer is present on these occasions, and conducts the proceedings. The emoluments of the office of Lord Mayor approach £8,000, but the holder of the office on account of his sumptuous hospitality, usually spends at least half as much more during his year of office.

The duties of the Lord Mayor are numerous. Besides sitting daily at the Mansion House as Chief Magistrate of the City, he presides over the Courts of Aldermen, Common Council and Common Hall; he is First Commissioner of the Central Criminal Court, and Chief Coroner and Escheator, or receiver of forfeited rights, in the City and Southwark. He also sits as Judge in the Court of Hustings, and other Courts peculiar to the City. On the demise of the Crown he is summoned to the Privy Council, which declares allegiance to the new Sovereign; at the Coronation he acts as chief butler and receives for his fee a gold cup.

To constitute a Court of Common Council there must be not less than forty members present, including at least two Aldermen and the Lord Mayor. The Court has unlimited power of applying the revenues of the City, and full legislative authority in all municipal matters, as long as it does not run counter to any Act of Parliament.

CITY
CHAMBER-
LAIN.
SHERIFFS.

The City Chamberlain, who is also elected to the office, acts as the banker of the Corporation and administers its funds.

The two Sheriffs are also elected by the freemen, and are bound to serve, if they have not done so already, on pain of a fine of £400 and 40 marks. The election is held on Midsummer Day. The Sheriffs always attend the Lord Mayor on State occasions, and at every Court

of Aldermen ; they are the returning officers for the City, and present the petitions of the Corporation to the House of Commons at the bar in person. They see to the execution of the law within the City, and control the City prisons.

Not only are the Justices of the City elected by the freemen, but all the chief officers of justice are appointed, either by the freemen themselves, or their representatives in Common Council assembled. As we have already stated, the Recorder is appointed for life by the Court of Aldermen, subject only to the approval of the Lord Chancellor, in behalf of the Crown for the purpose of administering Justice. Besides presiding in the City Courts, the Recorder represents the City, when heard by counsel before either House of Parliament. He also furnishes a report to the Privy Council of all persons convicted of capital crimes at the Central Criminal Court, and afterwards attends to take the pleasure of the Crown upon the matters in question. He thereafter makes out the warrants for the execution or reprieve of the criminals.

THE
RECORDER.

The Common Sergeant, the Judge of the Sheriff's Court, and Secondaries or Deputies of that Judge, are elected by the Common Council ; indeed no one administers the law in the City of London but those elected by the freemen, or by their representatives, except such of the Judges of the Superior Courts as may attend each session of the Central Criminal Court to try the more serious cases. This is a privilege possessed by no other city or borough in the kingdom.

THE
COMMON
SER GEANT.

CENTRAL
CRIMINAL
COURT.

The control of the police, the keeping of the highways, the lighting of the City, its improvement, its bridges and its markets, are all controlled by the Court of Common Council, who also administer its property, and impose such rates and taxes as are necessary.

The City of London is also divided into ninety-eight parishes, which form the City of London Union, and these parishes elect 101 guardians of the poor.

The districts forming the metropolitan area outside the City of London proper are controlled by an elected body known as the London County Council, which is charged with the duty of superintending the drainage of

LONDON
COUNTY
COUNCIL.

the entire metropolis and carrying out the larger works for its improvement. It numbers 137 members, of whom nineteen are aldermen. The 118 councillors are elected by the ratepayers for three years and the aldermen are elected by the councillors. Ten or nine aldermen retire every three years alternately. The Council has power to deal with sanitary affairs, the licensing of places of amusement, and acts generally as the "local authority" of the metropolis, except that it has no control over the Metropolitan Police.

**METROPOLITAN
COUNCILS.**

The various parishes of the metropolis outside the City proper have also their own corporate body, consisting of a Mayor, Aldermen and Councillors, who administer such of the affairs of their district as are not within the province of the County Council.

**THE
POLICE COMMISSIONERS.**

The police of the metropolis is managed by a separate Commission, having a chief office in Scotland Yard, and is under the control of the Home Secretary.

Numerous other cities and towns throughout the kingdom have acquired the dignity of incorporation by Royal Charter, and some of them retain peculiar privileges under those charters to this day. Others have become incorporated, upon the petition of the ratepayers, under the provision of an Act of Parliament passed in the year 1835.

**PROVINCIAL
CORPORATIONS.**

The Corporations of provincial towns consist of the Mayor, the Aldermen and Councillors. One-third of their number to be Aldermen during their term of office, and one-half of these Aldermen who have been longest in office retire every three years. The Mayors are elected by the Councillors annually from the whole body. Generally speaking, these bodies have control of the borough funds and the local police, and appoint the municipal officers. Free libraries and museums may be maintained by Town Councils, who have power to levy a limited rate for their support, and these bodies in some cases supply water and gas to the townspeople instead of leaving such matters to private companies. Some few cities and towns are also entitled to rank as counties in themselves, and in these cases their corporations include sheriffs.

Formerly the Justices of the Peace regulated the whole

local affairs of the several counties where they discharged their judicial functions ; but they have been superseded by the establishment of County Councils, who are elected by the ratepayers, and are empowered by the legislature to control the county police, maintain the prisons and their inmates, the lunatic asylum for paupers, county bridges, and other county works. They have also to provide for the cost of the administration of justice, a proportion of which is repaid to them by the Crown out of the Consolidated Fund. For these purposes they levy rates upon all persons assessed to pay Poor Rates in the county and for some purposes in the boroughs in the county also.

For the purpose of giving relief to the poor, every parish elects Overseers and Guardians. The duty of the Overseers is to prepare and levy the Poor Rate, which, when collected, is expended by the Guardians. In most cases the Guardians of several parishes join together and form a Poor Law Union, administering the funds of the whole district, and maintaining the poor of the Union in a common house. Unions also combine sometimes to maintain schools for pauper children. Generally the collection of the Poor Rate is joined with that of all the other rates for local purposes. There are 633 Unions and independent parishes.

GUARDIANS
OF THE
POOR.



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